

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 22
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRIESHEIMER.

Offered March 7, 2007.

Senate Substitute adopted, March 7, 2007.

Taken up for Perfection March 7, 2007. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0382S.06P

AN ACT

To repeal sections 41.655, 50.565, 50.660, 58.500, 58.510, 64.907, 64.940, 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.2500, 67.2510, 67.2555, 70.515, 70.545, 71.011, 71.012, 72.080, 78.610, 79.050, 84.830, 87.006, 89.010, 89.400, 94.660, 100.050, 100.059, 105.971, 110.130, 110.140, 110.150, 137.055, 137.115, 144.757, 144.759, 163.011, 206.090, 235.210, 238.202, 238.207, 238.208, 238.225, 238.275, 247.060, 250.140, 260.830, 260.831, 302.010, 320.200, 320.271, 320.300, 320.310, 393.715, 393.720, 393.740, 393.825, 393.847, 393.900, 393.933, 473.743, 479.011, 650.340, 650.396, 650.399, RSMo, and section 67.2505, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill nos. 795, 972, 1128 & 1161 merged with house substitute for senate committee substitute for senate bill no. 1155, ninety-second general assembly, second regular session and section 67.2505 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill no. 833 merged with house committee substitute for senate substitute for senate bill no. 732, ninety-second general assembly, second regular session, and to enact in lieu thereof ninety-five new sections relating to political subdivisions, with penalty provisions and an emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 41.655, 50.565, 50.660, 58.500, 58.510, 64.907, 64.940,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 67.110, 67.320, 67.410, 67.463, 67.797, 67.1003, 67.1360, 67.1451, 67.2500,
3 67.2510, 67.2555, 70.515, 70.545, 71.011, 71.012, 72.080, 78.610, 79.050, 84.830,
4 87.006, 89.010, 89.400, 94.660, 100.050, 100.059, 105.971, 110.130, 110.140,
5 110.150, 137.055, 137.115, 144.757, 144.759, 163.011, 206.090, 235.210, 238.202,
6 238.207, 238.208, 238.225, 238.275, 247.060, 250.140, 260.830, 260.831, 302.010,
7 320.200, 320.271, 320.300, 320.310, 393.715, 393.720, 393.740, 393.825, 393.847,
8 393.900, 393.933, 473.743, 479.011, 650.340, 650.396, 650.399, RSMo, and section
9 67.2505 as enacted by conference committee substitute for senate substitute for
10 senate committee substitute for house committee substitute for house bill nos.
11 795, 972, 1128 & 1161 merged with house substitute for senate committee
12 substitute for senate bill no. 1155, ninety-second general assembly, second
13 regular session and section 67.2505 as enacted by senate substitute for senate
14 committee substitute for house committee substitute for house bill no. 833 merged
15 with house committee substitute for senate substitute for senate bill no. 732,
16 ninety-second general assembly, second regular session, are repealed and ninety-
17 five new sections enacted in lieu thereof, to be known as sections 41.655, 50.032,
18 50.565, 50.660, 58.500, 64.907, 64.940, 67.048, 67.110, 67.145, 67.304, 67.319,
19 67.320, 67.410, 67.463, 67.797, 67.997, 67.1003, 67.1181, 67.1360, 67.1451,
20 67.2040, 67.2500, 67.2505, 67.2510, 67.2555, 70.515, 70.545, 71.011, 71.012,
21 72.080, 78.610, 79.050, 84.830, 87.006, 89.010, 89.400, 92.500, 94.660, 94.950,
22 100.050, 100.059, 110.130, 110.140, 110.150, 135.084, 137.055, 137.094, 137.115,
23 137.1040, 144.757, 144.759, 163.011, 163.038, 190.053, 206.090, 235.210, 238.202,
24 238.207, 238.208, 238.225, 238.275, 247.060, 250.140, 260.830, 260.831, 302.010,
25 319.400, 320.096, 320.200, 320.271, 320.300, 320.310, 321.162, 321.688, 321.800,
26 393.715, 393.720, 393.740, 393.825, 393.847, 393.900, 393.933, 473.743, 479.011,
27 644.597, 644.598, 644.599, 650.340, 650.396, 650.399, 1, 2, 3, and 4 to read as
28 follows:

41.655. 1. The governing body or county planning commission, if any, of
2 any county of the second classification with more than forty-eight thousand two
3 hundred but fewer than forty-eight thousand three hundred inhabitants shall
4 provide for the planning, zoning, subdivision and building within all or any
5 portion of the unincorporated area extending three thousand feet outward from
6 the boundaries of any military base located in such county and the area within
7 the perimeter of accident potential zones one and two [if the county has a zoning
8 commission and a board of adjustment established under sections 64.510 to
9 64.727, RSMo]. As used in this section, the term "accident potential zones one

10 and two" means any land area [that was] identified in the [April, 1976] **current**
11 **Air Installation Compatible Use Zone Report** at the north and south ends of the
12 **clear zone** of a military installation located in any county of the second
13 **classification** with more than forty-eight thousand two hundred but fewer than
14 **forty-eight thousand three hundred inhabitants** and which is in significant danger
15 **of aircraft accidents** by being beneath that airspace where the potential for
16 **aircraft accidents** is most likely to occur.

17 **2. The governing body of any county of the second classification**
18 **with more than forty-eight thousand two hundred but fewer than**
19 **forty-eight thousand three hundred inhabitants may adopt, administer,**
20 **and enforce airport hazard area zoning regulations that are**
21 **substantially similar to the airport hazard area zoning regulations in**
22 **sections 67.1200 to 67.1222, RSMo, subject to any exceptions listed in**
23 **this section. Such exceptions are as follows:**

24 **(1) All definitions in section 67.1200, RSMo, shall apply, except**
25 **that any reference to a political subdivision in sections 67.1200 to**
26 **67.1222, RSMo, shall be construed to include any county of the second**
27 **classification with more than forty-eight thousand two hundred but**
28 **fewer than forty-eight thousand three hundred inhabitants;**

29 **(2) Sections 67.1207 and 67.1212, RSMo, shall not apply;**

30 **(3) The county shall employ any existing airport planning**
31 **commission or airport zoning commission as created in section 67.1210,**
32 **RSMo, or shall form such commission, with the following exceptions:**

33 **(a) The commission shall consist of five members as follows:**

34 **a. Three residents of the county, with at least two of such county**
35 **residents residing in the township containing the military base;**

36 **b. The presiding county commissioner or such commissioner's**
37 **designee; and**

38 **c. The county road commissioner;**

39 **(b) The commission may appoint an ex officio military liaison**
40 **from the armed forces of the United States who is appointed by the**
41 **installation commander;**

42 **(c) The terms of office of each member under this section shall**
43 **be identical to the terms of office in section 67.1210, RSMo, with the**
44 **member chosen to serve as chair serving for an initial term of two**
45 **years. The commission shall elect its chairman;**

46 **(4) Sections 67.1214 to 67.1218, and section 67.1222, RSMo, shall**

47 apply in their entirety, except that any reference to a municipality in
48 such sections shall be construed to include any county of the second
49 classification with more than forty-eight thousand two hundred but
50 fewer than forty-eight thousand three hundred inhabitants;

51 (5) Section 67.1220 shall apply in its entirety, except that the
52 board of adjustment shall consist of three members as follows:

53 (a) Three residents of the county, with at least two of such
54 county residents residing in the township containing the military base;

55 (b) The board shall elect its chairman.

50.032. No county shall receive any state funds unless the county
2 has determined, by order or ordinance, to agree to engage in
3 mandatory mediation if a dispute concerning a financial expenditure
4 arises between such county and another county as to which county is
5 fully responsible or if both counties are partially responsible for paying
6 such expenses. Mediation under this section shall be nonbinding and
7 independently administered. The counties shall mutually agree upon
8 a qualified independent and neutral county commissioner of a county
9 not involved in the dispute to serve as mediator, and shall share the
10 costs of the mediator. If the counties cannot mutually agree upon a
11 county commissioner to serve as mediator, the matter shall be resolved
12 by a three-person mediation panel consisting of a county commissioner
13 selected by each county, and one person selected by such selected
14 county commissioners. In the event that a three-person mediation
15 panel is necessary, each county shall bear the expense of its own
16 mediator, and shall jointly and equally bear with the other county the
17 expense of the third mediator and the mediation. The mediation shall
18 take place within thirty days of the selection of the mediator or
19 mediators. If the mediator issues a decision, either county may appeal
20 the decision to the circuit court to determine the portion of expenses
21 each county shall be responsible for paying.

50.565. 1. A county commission may establish by ordinance or order a
2 fund whose proceeds may be expended only for the purposes provided for in
3 subsection 3 of this section. The fund shall be designated as a county law
4 enforcement restitution fund and shall be under the supervision of a board of
5 trustees consisting of two citizens of the county appointed by the presiding
6 commissioner of the county, two citizens of the county appointed by the sheriff of
7 the county, and one citizen of the county appointed by the county coroner or

8 medical examiner. The citizens so appointed shall not be **current or former**
9 **elected officials**, current or former employees of the sheriff's department, the
10 office of the prosecuting attorney for the county, **office of the county**
11 **commissioners**, or the county treasurer's office. If a county does not have a
12 coroner or medical examiner, the county treasurer shall appoint one citizen to the
13 board of trustees.

14 2. Money from the county law enforcement restitution fund shall only be
15 expended upon the approval of a majority of the members of the county law
16 enforcement restitution fund's board of trustees and only for the purposes
17 provided for by subsection 3 of this section.

18 3. Money from the county law enforcement restitution fund shall only be
19 expended for the following purposes:

- 20 (1) Narcotics investigation, prevention, and intervention;
- 21 (2) Purchase of law enforcement-related equipment and supplies for the
22 sheriff's office;
- 23 (3) Matching funds for federal or state law enforcement grants;
- 24 (4) Funding for the reporting of all state and federal crime statistics or
25 information; and
- 26 (5) Any **county** law enforcement-related expense, including those of the
27 prosecuting attorney, approved by the board of trustees for the county law
28 enforcement restitution fund that is reasonably related to investigation, charging,
29 preparation, trial, and disposition of criminal cases before the courts of the state
30 of Missouri.

31 4. The county commission may not reduce any law enforcement agency's
32 budget as a result of funds the law enforcement agency receives from the county
33 law enforcement restitution fund. The restitution fund is to be used only as a
34 supplement to the law enforcement agency's funding received from other county,
35 state, or federal funds.

36 5. County law enforcement restitution funds shall be audited as are all
37 other county funds.

38 6. No court may order the assessment and payment authorized by this
39 section if the plea of guilty or the finding of guilt is to the charge of speeding,
40 careless and imprudent driving, any charge of violating a traffic control signal or
41 sign, or any charge which is a class C misdemeanor or an infraction. No
42 assessment and payment ordered pursuant to this section may exceed three
43 hundred dollars for any charged offense.

50.660. 1. All contracts shall be executed in the name of the county, or
2 in the name of a township in a county with a township form of government, by the
3 head of the department or officer concerned, except contracts for the purchase of
4 supplies, materials, equipment or services other than personal made by the officer
5 in charge of purchasing in any county or township having the officer. No contract
6 or order imposing any financial obligation on the county or township is binding
7 on the county or township unless it is in writing and unless there is a balance
8 otherwise unencumbered to the credit of the appropriation to which it is to be
9 charged and a cash balance otherwise unencumbered in the treasury to the credit
10 of the fund from which payment is to be made, each sufficient to meet the
11 obligation incurred and unless the contract or order bears the certification of the
12 accounting officer so stating; except that in case of any contract for public works
13 or buildings to be paid for from bond funds or from taxes levied for the purpose
14 it is sufficient for the accounting officer to certify that the bonds or taxes have
15 been authorized by vote of the people and that there is a sufficient unencumbered
16 amount of the bonds yet to be sold or of the taxes levied and yet to be collected
17 to meet the obligation in case there is not a sufficient unencumbered cash balance
18 in the treasury. All contracts and purchases shall be let to the lowest and best
19 bidder after due opportunity for competition, including advertising the proposed
20 letting in a newspaper in the county or township with a circulation of at least five
21 hundred copies per issue, if there is one, except that the advertising is not
22 required in case of contracts or purchases involving an expenditure of less than
23 **[four thousand five hundred] six thousand** dollars. It is not necessary to obtain
24 bids on any purchase in the amount of four thousand five hundred dollars or less
25 made from any one person, firm or corporation during any period of ninety days.
26 All bids for any contract or purchase may be rejected and new bids advertised
27 for. Contracts which provide that the person contracting with the county or
28 township shall, during the term of the contract, furnish to the county or township
29 at the price therein specified the supplies, materials, equipment or services other
30 than personal therein described, in the quantities required, and from time to time
31 as ordered by the officer in charge of purchasing during the term of the contract,
32 need not bear the certification of the accounting officer, as herein provided; but
33 all orders for supplies, materials, equipment or services other than personal shall
34 bear the certification. In case of such contract, no financial obligation accrues
35 against the county or township until the supplies, materials, equipment or
36 services other than personal are so ordered and the certificate furnished.

37 **2. Notwithstanding the provisions of subsection 1 of this section**
38 **to the contrary, advertising shall not be required in any county in the**
39 **case of contracts or purchases involving an expenditure of less than six**
40 **thousand dollars.**

58.500. Upon delivery of any money to the [treasurer] **public**
2 **administrator**, he **or she** shall [place it to the credit of the city or county; if it
3 be other property he shall, within thirty days, sell it at public auction, upon ten
4 days' public notice, by publication in some newspaper printed in the city or
5 county, if there be any, and if there be none, then by posting not less than six
6 written or printed bills, giving notice of time and place of sale of such other
7 property; and shall, in like manner, place the proceeds to the credit of the city or
8 county] **follow the procedures as set out in section 473.743, RSMo.**

64.907. 1. Any [county] **political subdivision** subject to Environmental
2 Protection Agency rules 40 C.F.R. Parts 9, 122, 123, and 124 concerning storm
3 water discharges is authorized to adopt rules, regulations, or ordinances
4 reasonably necessary to comply with such federal regulations including but not
5 limited to rules, regulations, or ordinances which promote the best storm water
6 management practices in regulating storm water discharges established by the
7 Environmental Protection Agency.

8 2. Any [county] **political subdivision** adopting rules, regulations, or
9 ordinances under subsection 1 of this section is authorized to establish by rule,
10 regulation, or ordinance a storm water control utility or other entity to administer
11 any such rules, regulations, or ordinances adopted under subsection 1 of this
12 section which shall include authority to impose user fees to fund the
13 administration of such rules, regulations, or ordinances.

14 3. Any [county] **political subdivision** adopting rules, regulations, or
15 ordinances under subsection 1 of this section is authorized to establish by rule,
16 regulation, or ordinance a storm water control utility tax in such amount as is
17 deemed reasonable and necessary to fund public storm water control projects if
18 such tax is approved by majority of the votes cast.

19 4. The tax authorized in this section shall be in addition to the charge for
20 the storm water control and all other taxes imposed by law, and the proceeds of
21 such tax shall be used by the [county] **political subdivision** solely for storm
22 water control. Such tax shall be stated separately from all other charges and
23 taxes.

24 5. The ballot of submission for the tax authorized in this section shall be

22 equipping, operation, maintenance, repair, extension and improvement of any
23 facility, or any part or parts thereof, which it has the power to own or to operate,
24 and to issue negotiable notes, bonds, or other instruments in writing as evidence
25 of sums borrowed, as hereinafter provided in this section:

26 (a) Bonds or notes issued hereunder shall be issued pursuant to a
27 resolution adopted by the commissioners of the authority which shall set out the
28 estimated cost to the authority of the proposed facility or facilities, and shall
29 further set out the amount of bonds or notes to be issued, their purpose or
30 purposes, their date or dates, denomination or denominations, rate or rates of
31 interest, time or times of payment, both of principal and of interest, place or
32 places of payment and all other details in connection therewith. Any such bonds
33 or notes may be subject to such provision for redemption prior to maturity, with
34 or without premium, and at such times and upon such conditions as may be
35 provided by the resolution.

36 (b) Such bonds or notes shall bear interest at a rate not exceeding eight
37 percent per annum and shall mature within a period not exceeding fifty years and
38 may be sold at public or private sale for not less than ninety-five percent of the
39 principal amount thereof. Bonds or notes issued by an authority shall possess all
40 of the qualities of negotiable instruments under the laws of this state.

41 (c) Such bonds or notes may be payable to bearer, may be registered or
42 coupon bonds or notes and if payable to bearer, may contain such registration
43 provisions as to either principal and interest, or principal only, as may be
44 provided in the resolution authorizing the same which resolution may also
45 provide for the exchange of registered and coupon bonds or notes. Such bonds or
46 notes and any coupons attached thereto shall be signed in such manner and by
47 such officers of the authority as may be provided for by the resolution authorizing
48 the same. The authority may provide for the replacement of any bond or note
49 which shall become mutilated, destroyed or lost.

50 (d) Bonds or notes issued by an authority shall be payable as to principal,
51 interest and redemption premium, if any, out of the general funds of the
52 authority, including rents, revenues, receipts and income derived and to be
53 derived for the use of any facility or combination of facilities, or any part or parts
54 thereof, acquired, constructed, improved or extended in whole or in part from the
55 proceeds of such bonds or notes, including but not limited to stadium rentals,
56 concessions, parking facilities and from funds derived from any other facilities or
57 part or parts thereof, owned or operated by the authority, all or any part of which

58 rents, revenues, receipts and income the authority is authorized to pledge for the
59 payment of said principal, interest, and redemption premium, if any. Bonds or
60 notes issued pursuant to this section shall not constitute an indebtedness of the
61 authority within the meaning of any constitutional or statutory restriction,
62 limitation or provision, and such bonds or notes shall not be payable out of any
63 funds raised or to be raised by taxation. Bonds or notes issued pursuant to this
64 section may be further secured by a mortgage or deed of trust upon the rents,
65 revenues, receipts and income herein referred to or any part thereof or upon any
66 leasehold interest or other property owned by the authority, or any part thereof,
67 whether then owned or thereafter acquired. The proceeds of such bonds or notes
68 shall be disbursed in such manner and under such restrictions as the authority
69 may provide in the resolution authorizing the issuance of such bonds or notes or
70 in any such mortgage or deed of trust.

71 (e) It shall be the duty of the authority to fix and maintain rates and
72 make and collect charges for the use and services of its interest in the facility or
73 facilities or any part thereof operated by the authority which shall be sufficient
74 to pay the cost of operation and maintenance thereof, to pay the principal of and
75 interest on any such bonds or notes and to provide funds sufficient to meet all
76 requirements of the resolution by which such bonds or notes have been issued.

77 (f) The resolution authorizing the issuance of any such bonds or notes may
78 provide for the allocation of rents, revenues, receipts and income derived and to
79 be derived by the authority from the use of any facility or part thereof into such
80 separate accounts as shall be deemed to be advisable to assure the proper
81 operation and maintenance of any facility or part thereof and the prompt payment
82 of any bonds or notes issued to finance all or any part of the costs thereof. Such
83 accounts may include reserve accounts necessary for the proper operation and
84 maintenance of any such facility or any part thereof, and for the payment of any
85 such bonds or notes. Such resolution may include such other covenants and
86 agreements by the authority as in its judgment are advisable or necessary
87 properly to secure the payment of such bonds or notes.

88 (g) The authority may issue negotiable refunding bonds or notes for the
89 purpose of refunding, extending or unifying the whole or any part of such bonds
90 or notes then outstanding, which bonds or notes shall not exceed the principal of
91 the outstanding bonds or notes to be refunded and the accrued interest thereon
92 to the date of such refunding, including any redemption premium. The authority
93 may provide for the payment of interest on such refunding bonds or notes at a

94 rate in excess of the bonds or notes to be refunded but such interest rate shall not
95 exceed the maximum rate of interest hereinbefore provided.

96 (7) To condemn any and all rights or property, of any kind or character,
97 necessary for the purposes of the authority, subject, however, to the provisions of
98 sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo;
99 provided, however, that no property now or hereafter vested in or held by the
100 state or by any county, city, village, township or other political subdivisions shall
101 be taken by the authority without the authority or consent of such political
102 subdivisions;

103 (8) To perform all other necessary and incidental functions; and to
104 exercise such additional powers as shall be conferred by the general assembly or
105 by act of Congress.

106 2. The authority is authorized and directed to proceed to carry out its
107 duties, functions and powers in accordance with sections 64.920 to 64.950 as
108 rapidly as may be economically practicable and is vested with all necessary and
109 appropriate powers not inconsistent with the constitution or the laws of the
110 United States to effectuate the same, except the power to levy taxes or
111 assessments.

112 3. Any expenditure made by the authority located in a county with a
113 charter form of government and with more than six hundred thousand but fewer
114 than seven hundred thousand inhabitants, that is over [five] **twenty-five**
115 thousand dollars, including professional service contracts, must be competitively
116 bid.

**67.048. Any county board that receives funding from the county
2 treasury and whose members are appointed by the county commission
3 shall submit an annual report to the county commission at the end of
4 each fiscal year itemizing its expenditures.**

67.110. 1. Each political subdivision in the state, except counties, shall
2 fix its ad valorem property tax rates as provided in this section not later than
3 September first for entry in the tax books. Before the governing body of each
4 political subdivision of the state, except counties, as defined in section 70.120,
5 RSMo, fixes its rate of taxation, its budget officer shall present to its governing
6 body the following information for each tax rate to be levied: The assessed
7 valuation by category of real, personal and other tangible property in the political
8 subdivision as entered in the tax book for the fiscal year for which the tax is to
9 be levied, as provided by subsection 3 of section 137.245, RSMo, the assessed

10 valuation by category of real, personal and other tangible property in the political
11 subdivisions for the preceding taxable year, the amount of revenue required to be
12 provided from the property tax as set forth in the annual budget adopted as
13 provided by this chapter, and the tax rate proposed to be set. Should any
14 political subdivision whose taxes are collected by the county collector of revenue
15 fail to fix its ad valorem property tax rate by September first, then no tax rate
16 other than the rate, if any, necessary to pay the interest and principal on any
17 outstanding bonds shall be certified for that year.

18 2. The governing body shall hold at least one public hearing on the
19 proposed rates of taxes at which citizens may be heard prior to their
20 approval. The governing body shall determine the time and place for such
21 hearing. A notice stating the hour, date and place of the hearing shall be
22 published in at least one newspaper qualified under the laws of the state of
23 Missouri of general circulation in the county within which all or the largest
24 portion of the political subdivision is situated, or such notice shall be posted in
25 at least three public places within the political subdivision; except that, in any
26 county of the first class having a charter form of government, such notice may be
27 published in a newspaper of general circulation within the political subdivision
28 even though such newspaper is not qualified under the laws of Missouri for other
29 legal notices. Such notice shall be published or posted at least seven days prior
30 to the date of the hearing. The notice shall include the assessed valuation by
31 category of real, personal and other tangible property in the political subdivision
32 for the fiscal year for which the tax is to be levied as provided by subsection 3 of
33 section 137.245, RSMo, the assessed valuation by category of real, personal and
34 other tangible property in the political subdivision for the preceding taxable year,
35 for each rate to be levied the amount of revenue required to be provided from the
36 property tax as set forth in the annual budget adopted as provided by this
37 chapter, and the tax rates proposed to be set for the various purposes of
38 taxation. The tax rates shall be calculated to produce substantially the same
39 revenues as required in the annual budget adopted as provided in this
40 chapter. Following the hearing the governing body of each political subdivision
41 shall fix the rates of taxes, the same to be entered in the tax book. Failure of any
42 taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit
43 of any other legal remedy otherwise available to the taxpayer. Nothing in this
44 section absolves political subdivisions of responsibilities under section 137.073,
45 RSMo, nor to adjust tax rates in event changes in assessed valuation occur that

46 would alter the tax rate calculations.

47 3. Each political subdivision of the state shall fix its property tax rates in
48 the manner provided in this section for each fiscal year which begins after
49 December 31, 1976. New or increased tax rates for political subdivisions whose
50 taxes are collected by the county collector approved by voters after September
51 first of any year shall not be included in that year's tax levy except for any new
52 tax rate ceiling approved pursuant to section 71.800, RSMo.

53 4. **In addition to the information required under subsections 1**
54 **and 2 of this section, each political subdivision shall also include the**
55 **increase in tax revenue due to an increase in assessed value as a result**
56 **of new construction and improvement and the increase, both in dollar**
57 **value and percentage, in tax revenue as a result of reassessment if the**
58 **proposed tax rate is adopted.**

67.145. Any city of the fourth classification with more than one
2 thousand five hundred but fewer than one thousand six hundred
3 inhabitants and located in more than one county and any home rule
4 city with more than one hundred fifty-one thousand five hundred but
5 fewer than one hundred fifty-one thousand six hundred inhabitants
6 shall abide by the terms and conditions of the November 15, 2005,
7 settlement agreement, as amended, relating to involuntary annexation
8 of certain real property located between the two cities.

67.304. 1. The governing body of any municipality or county may
2 authorize any organization to stand in a road in such municipality or
3 county to solicit a charitable contribution. Any organization seeking
4 authorization under this section shall file a written application with
5 the governing body no later than the eleventh day before the
6 solicitation is to begin. The application shall include:

- 7 (1) The date and time the solicitation is to occur;
8 (2) The location of the solicitation; and
9 (3) The number of solicitors to be involved at each location of the
10 solicitation.

11 2. The governing body may require the applicant to obtain a
12 permit or to pay a reasonable fee to receive the authorization.

13 3. The governing body may require proof of liability insurance
14 in the amount determined by the municipality or county to cover
15 damages that may arise from the solicitation. The insurance shall
16 provide coverage against claims against the applicant and claims

17 against the governing body.

18 4. Collections shall only be conducted at intersections controlled
19 by electronic signal lights or by four-way stop signs.

20 5. The governing body may set a minimum age requirement for
21 all individuals participating in charitable solicitation activities under
22 this section.

67.319. 1. The provisions of this section shall apply to contracts
2 for construction awarded by political subdivisions of the state of
3 Missouri and shall be known as the "Political Subdivision Construction
4 Bidding Standards Act". For purposes of this section the term
5 "contracts for construction" shall mean the construction, alteration, or
6 repair of any building, structure, highway, bridge, street, viaduct,
7 water or sewer line or system, or pipeline, or demolition, moving, or
8 excavation connected therewith, and shall include the furnishing of
9 surveying, construction engineering, planning or management services,
10 or labor, material, or equipment, as required to perform work under
11 the contract for construction. Nothing in this section shall be
12 construed to require the design or engineering of any project as
13 defined by section 8.287, RSMo, to be awarded by competitive bidding,
14 if the contract for such services is under a separate contract from a
15 contract for construction and is awarded under sections 8.285 to 8.291,
16 RSMo, or to construction management services governed by sections
17 8.675 to 8.687, RSMo. Neither shall this section be construed to apply
18 to contracts awarded for the "design/build" method of project delivery,
19 if the political subdivision's procurement of "design/build" projects is
20 otherwise authorized by law, local charter, ordinance, order, or
21 resolution.

22 2. Contracts for construction by any political subdivision shall
23 be advertised and bids solicited and awarded in compliance with other
24 Missouri statutes, state rules, and federal and state funding
25 requirements applicable to the specific political subdivision which are
26 in effect on August 28, 2007, or as such requirements may be enacted or
27 amended, and any provision of a local charter, ordinance, order,
28 resolution, or policy applicable to the specific political subdivision
29 which are in effect or which are subsequently adopted by the political
30 subdivision after August 28, 2007.

31 3. If a political subdivision is not subject to a specific

32 requirement for advertising for bids or soliciting, awarding, or
33 rejecting bids under requirements specified in subsection 2 of this
34 section regarding contracts for construction, the political subdivision
35 shall comply with the following provisions when soliciting bids and
36 awarding construction contracts of ten thousand dollars or more:

37 (1) Contracts for construction shall be advertised in advance of
38 the acceptance of bids. If no provision of state law, state rule, federal
39 or state funding requirement, or local charter, ordinance, order,
40 resolution, or policy requiring advertising otherwise applies, bids shall
41 be solicited by advertisement for a minimum of five days in one
42 newspaper of general circulation in a county where the political
43 subdivision is located, with the first advertisement for bids appearing
44 in the newspaper at least thirty days in advance of the date stated in
45 the advertisement for acceptance of bids. For contracts for
46 construction of over one-hundred thousand dollars, bids shall also be
47 advertised by providing project and bid solicitation information at
48 least thirty days in advance of bid opening to one or more commercial
49 or not-for-profit organization, which regularly provides information on
50 contracts to be awarded to construction contractors. Project
51 advertisements and bid solicitations shall state the deadline for
52 submission of bids and the time and place where bids shall be received
53 and opened;

54 (2) In absence of a bid award or rejection standard specified
55 under subsection 2 of this section, contracts for construction shall be
56 awarded in compliance with this subdivision. If no provision of state
57 law, state rule, federal or state funding requirement, or local charter,
58 ordinance, order, resolution, or policy otherwise applies, the contract
59 shall be awarded to the lowest qualified responsible bidder that
60 submits a bid which is responsive to the contract as advertised by the
61 political subdivision. The political subdivision may reject the low
62 bidder by declaring the bidder ineligible for contract award based on
63 the bidder's failure to provide a performance or payment bond as
64 required by section 107.170, RSMo, the bidder's nonperformance on
65 previous contracts with the political subdivision, or other reasons
66 specified as to the bidder's inability to adequately perform the
67 contract. The reasons for bid rejection or award of the contract to
68 another bidder shall be stated in writing to the low bidder within five

69 **business days of the rejection of the bid.**

70 **4. Notwithstanding any other provision of state law, state rule,**
71 **or federal or state funding requirement to the contrary, or any**
72 **provision of a charter, ordinance, order, resolution, or policy to the**
73 **contrary, adopted by a political subdivision, no contract for**
74 **construction shall be awarded in violation of the following**
75 **requirements:**

76 **(1) No bid shall be opened in advance of the advertised deadline**
77 **for submission of bids or in place other than that specified in the**
78 **original solicitation of bids or in an amendment to the solicitation**
79 **communicated in advance to all known bidders;**

80 **(2) No bid shall be accepted unless it is sealed and is in writing.**
81 **If the letting of the project for which bids were solicited is cancelled,**
82 **bids shall be returned to the bidder unopened;**

83 **(3) No bid shall be accepted after the advertised deadline for**
84 **acceptance of bids;**

85 **(4) All bids received shall be held secure and confidential from**
86 **all persons until the bids are opened at the time and place announced**
87 **by the political subdivision. Bids shall be opened in a public meeting,**
88 **as defined in chapter 610, RSMo.**

89 **Nothing in this section shall be construed to prohibit acceptance and**
90 **processing of bids through an established program of electronic**
91 **bidding by computer, provided bids accepted and processed**
92 **electronically shall meet standards of confidentiality established by the**
93 **requirements of the electronic bidding program which are comparable**
94 **to requirements for written bids established by this section.**

95 **5. Any person submitting a bid, or who would have submitted a**
96 **bid except for violations of subsection 4 of this section, shall have**
97 **standing to seek equitable relief and monetary damages in a court of**
98 **competent jurisdiction for monetary losses resulting from violations of**
99 **subsection 4 of this section, including but not limited to, setting aside**
100 **award of a contract, ordering a contract to be re-bid, requiring award**
101 **of a contract to a different bidder than originally awarded, awarding**
102 **monetary damages deemed appropriate by the court, including award**
103 **of reasonable attorney's fees, or awarding a combination of such forms**
104 **of relief.**

105 **6. Nothing in this section shall be construed to require**

106 acceptance of a bid which exceeds the amount estimated by the
107 political subdivision for the contract. Neither shall anything in this
108 section prohibit a political subdivision from awarding contracts
109 without competitive bidding when the political subdivision deems it
110 necessary to remove an immediate danger to the public health or
111 safety, to prevent loss to public or private property which requires
112 government action, or to prevent an interruption of or to restore an
113 essential public service.

67.320. 1. Any county of the first classification with more than one
2 hundred ninety-eight thousand but less than one hundred ninety-nine thousand
3 two hundred inhabitants may prosecute and punish violations of its county orders
4 in the circuit court of such counties in the manner and to the extent herein
5 provided or in a county municipal court if creation of a county municipal court is
6 approved by order of the county commission. The county may adopt orders with
7 penal provisions consistent with state law [but only in the areas of traffic
8 violations, solid waste management and animal control] **in all subject areas of**
9 **the county's orders and ordinances.** Any county municipal court established
10 pursuant to the provisions of this section shall have jurisdiction over violations
11 of that county's orders and the ordinances of municipalities with which the county
12 has a contract to prosecute and punish violations of municipal ordinances of the
13 municipality.

14 2. In any county which has elected to establish a county municipal court
15 pursuant to this section, the judges for such court shall be appointed by the
16 county commission of such county, subject to confirmation by the legislative body
17 of such county in the same manner as confirmation for other county appointed
18 officers. The number of judges appointed, and qualifications for their
19 appointment, shall be established by order of the commission.

20 3. The practice and procedure of each prosecution shall be conducted in
21 compliance with all of the terms and provisions of sections 66.010 to 66.140,
22 RSMo, except as provided for in this section.

23 4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall
24 be synonymous with the term order for purposes of this section.

67.410. 1. Except as provided in subsection 3 of this section, any
2 ordinance enacted pursuant to section 67.400 shall:

3 (1) Set forth those conditions detrimental to the health, safety or welfare
4 of the residents of the city, town, village, or county the existence of which

5 constitutes a nuisance;

6 (2) Provide for duties of inspectors with regard to such buildings or
7 structures and shall provide for duties of the building commissioner or designated
8 officer or officers to supervise all inspectors and to hold hearings regarding such
9 buildings or structures;

10 (3) Provide for service of adequate notice of the declaration of nuisance,
11 which notice shall specify that the property is to be vacated, if such be the case,
12 reconditioned or removed, listing a reasonable time for commencement; and may
13 provide that such notice be served either by personal service or by certified mail,
14 return receipt requested, but if service cannot be had by either of these modes of
15 service, then service may be had by publication. The ordinances shall further
16 provide that the owner, occupant, lessee, mortgagee, agent, and all other persons
17 having an interest in the building or structure as shown by the land records of
18 the recorder of deeds of the county wherein the land is located shall be made
19 parties;

20 (4) Provide that upon failure to commence work of reconditioning or
21 demolition within the time specified or upon failure to proceed continuously with
22 the work without unnecessary delay, the building commissioner or designated
23 officer or officers shall call and have a full and adequate hearing upon the matter,
24 giving the affected parties at least ten days' written notice of the hearing. Any
25 party may be represented by counsel, and all parties shall have an opportunity
26 to be heard. After the hearings, if the evidence supports a finding that the
27 building or structure is a nuisance or detrimental to the health, safety, or welfare
28 of the residents of the city, town, village, or county, the building commissioner or
29 designated officer or officers shall issue an order making specific findings of fact,
30 based upon competent and substantial evidence, which shows the building or
31 structure to be a nuisance and detrimental to the health, safety, or welfare of the
32 residents of the city, town, village, or county and ordering the building or
33 structure to be demolished and removed, or repaired. If the evidence does not
34 support a finding that the building or structure is a nuisance or detrimental to
35 the health, safety, or welfare of the residents of the city, town, village, or county,
36 no order shall be issued;

37 (5) Provide that if the building commissioner or other designated officer
38 or officers issue an order whereby the building or structure is demolished,
39 secured, or repaired, or the property is cleaned up, the cost of performance shall
40 be certified to the city clerk or officer in charge of finance, who shall cause [a

41 special tax bill or assessment therefor against the property to be prepared and
42 collected by the city collector or other official collecting taxes, unless] **the**
43 **certified cost to be included in a special tax bill or added to the annual**
44 **real estate tax bill, at the collecting official's option, for the property**
45 **and the certified cost shall be collected by the city collector or other**
46 **official collecting taxes in the same manner and procedure for**
47 **collecting real estate taxes. If the certified cost is not paid, the tax bill**
48 **shall be considered delinquent, and the collection of the delinquent bill**
49 **shall be governed by the laws governing delinquent and back taxes. If**
50 the building or structure is demolished, secured or repaired by a contractor
51 pursuant to an order issued by the city, town, village, or county and such
52 contractor files a mechanic's lien against the property where the dangerous
53 building is located. The contractor may enforce this lien as provided in sections
54 429.010 to 429.360, RSMo. [Except as provided in subsection 3 of this section, at
55 the request of the taxpayer the tax bill may be paid in installments over a period
56 of not more than ten years.] The tax bill from date of its issuance shall be deemed
57 a personal debt against the property owner and shall also be a lien on the
58 property until paid. A city not within a county or a city with a population of at
59 least four hundred thousand located in more than one county, notwithstanding
60 any charter provision to the contrary, may, by ordinance, provide that upon
61 determination by the city that a public benefit will be gained the city may
62 discharge the special tax bill, including the costs of tax collection, accrued
63 interest and attorneys fees, if any.

64 2. If there are proceeds of any insurance policy based upon a covered
65 claim payment made for damage or loss to a building or other structure caused
66 by or arising out of any fire, explosion, or other casualty loss, the ordinance may
67 establish a procedure for the payment of up to twenty-five percent of the
68 insurance proceeds, as set forth in this subsection. The order or ordinance shall
69 apply only to a covered claim payment which is in excess of fifty percent of the
70 face value of the policy covering a building or other structure:

71 (1) The insurer shall withhold from the covered claim payment up to
72 twenty-five percent of the covered claim payment, and shall pay such moneys to
73 the city to deposit into an interest-bearing account. Any named mortgagee on the
74 insurance policy shall maintain priority over any obligation under the order or
75 ordinance;

76 (2) The city or county shall release the proceeds and any interest which

77 has accrued on such proceeds received under subdivision (1) of this subsection to
78 the insured or as the terms of the policy and endorsements thereto provide within
79 thirty days after receipt of such insurance moneys, unless the city or county has
80 instituted legal proceedings under the provisions of subdivision (5) of subsection
81 1 of this section. If the city or county has proceeded under the provisions of
82 subdivision (5) of subsection 1 of this section, all moneys in excess of that
83 necessary to comply with the provisions of subdivision (5) of subsection 1 of this
84 section for the removal, securing, repair and cleanup of the building or structure,
85 and the lot on which it is located, less salvage value, shall be paid to the insured;

86 (3) [If there are no proceeds of any insurance policy as set forth in this
87 subsection, at the request of the taxpayer, the tax bill may be paid in
88 installments over a period of not more than ten years. The tax bill from date of
89 its issuance shall be a lien on the property until paid;

90 (4) This subsection shall apply to fire, explosion, or other casualty loss
91 claims arising on all buildings and structures;

92 [(5)] (4) This subsection does not make the city or county a party to any
93 insurance contract, and the insurer is not liable to any party for any amount in
94 excess of the proceeds otherwise payable under its insurance policy.

95 3. The governing body of any city not within a county and the governing
96 body of any city with a population of three hundred fifty thousand or more
97 inhabitants which is located in more than one county may enact their own
98 ordinances pursuant to section 67.400 and are exempt from subsections 1 and 2
99 of this section.

100 4. Notwithstanding the provisions of section 82.300, RSMo, any city may
101 prescribe and enforce and collect fines and penalties for a breach of any ordinance
102 enacted pursuant to section 67.400 or this section and to punish the violation of
103 such ordinance by a fine or imprisonment, or by both fine and
104 imprisonment. Such fine may not exceed one thousand dollars, unless the owner
105 of the property is not also a resident of the property, then such fine may not
106 exceed two thousand dollars.

107 5. The ordinance may also provide that a city not within a county or a city
108 with a population of at least three hundred fifty thousand located in more than
109 one county may seek to recover the cost of demolition prior to the occurrence of
110 demolition, as described in this subsection. The ordinance may provide that if the
111 building commissioner or other designated officer or officers issue an order
112 whereby the building or structure is ordered to be demolished, secured or

113 repaired, and the owner has been given an opportunity for a hearing to contest
114 such order, then the building commissioner or other designated officer or officers
115 may solicit no less than two independent bids for such demolition work. The
116 amount of the lowest bid, including offset for salvage value, if any, plus
117 reasonable anticipated costs of collection, including attorney's fees, shall be
118 certified to the city clerk or officer in charge of finance, who shall cause a special
119 tax bill to be issued against the property owner to be prepared and collected by
120 the city collector or other official collecting taxes. The municipal clerk or other
121 officer in charge of finance shall discharge the special tax bill upon
122 documentation by the property owner of the completion of the ordered repair or
123 demolition work. Upon determination by the municipal clerk or other officer in
124 charge of finance that a public benefit is secured prior to payment of the special
125 tax bill, the municipal clerk or other officer in charge of finance may discharge
126 the special tax bill upon the transfer of the property. The payment of the special
127 tax bill shall be held in an interest-bearing account. Upon full payment of the
128 special tax bill, the building commissioner or other designated officer or officers
129 shall, within one hundred twenty days thereafter, cause the ordered work to be
130 completed, and certify the actual cost thereof, including the cost of tax bill
131 collection and attorney's fees, to the city clerk or other officer in charge of finance
132 who shall, if the actual cost differs from the paid amount by greater than two
133 percent of the paid amount, refund the excess payment, if any, to the payor, or
134 if the actual amount is greater, cause a special tax bill or assessment for the
135 difference against the property to be prepared and collected by the city collector
136 or other official collecting taxes. If the building commissioner or other designated
137 officer or officers shall not, within one hundred twenty days after full payment,
138 cause the ordered work to be completed, then the full amount of the payment,
139 plus interest, shall be repaid to the payor. Except as provided in subsection 2 of
140 this section, at the request of the taxpayer the tax bill for the difference may be
141 paid in installments over a period of not more than ten years. The tax bill for the
142 difference from the date of its issuance shall be deemed a personal debt against
143 the property owner and shall also be a lien on the property until paid.

67.463. 1. At the hearing to consider the proposed improvements and
2 assessments, the governing body shall hear and pass upon all objections to the
3 proposed improvements and proposed assessments, if any, and may amend the
4 proposed improvements, and the plans and specifications therefor, or assessments
5 as to any property, and thereupon by ordinance or resolution the governing body

6 of the city or county shall order that the improvement be made and direct that
7 financing for the cost thereof be obtained as provided in sections 67.453 to 67.475.

8 2. After construction of the improvement has been completed in
9 accordance with the plans and specifications therefor, the governing body shall
10 compute the final costs of the improvement and apportion the costs among the
11 property benefited by such improvement in such equitable manner as the
12 governing body shall determine, charging each parcel of property with its
13 proportionate share of the costs, and by resolution or ordinance, assess the final
14 cost of the improvement or the amount of general obligation bonds issued or to
15 be issued therefor as special assessments against the property described in the
16 assessment roll.

17 3. After the passage or adoption of the ordinance or resolution assessing
18 the special assessments, the city clerk or county clerk shall mail a notice to each
19 property owner within the district which sets forth a description of each parcel
20 of real property to be assessed which is owned by such owner, the special
21 assessment assigned to such property, and a statement that the property owner
22 may pay such assessment in full, together with interest accrued thereon from the
23 effective date of such ordinance or resolution, on or before a specified date
24 determined by the effective date of the ordinance or resolution, or may pay such
25 assessment in annual installments as provided in subsection 4 of this section.

26 4. The special assessments shall be assessed upon the property included
27 therein concurrent with general property taxes, and shall be payable in
28 substantially equal annual installments for a duration stated in the ballot
29 measure prescribed in subsection 2 of section 67.457 or in the petition prescribed
30 in subsection 3 of section 67.457, and, if authorized, an assessment in each year
31 thereafter levied and collected in the same manner with the proceeds thereof used
32 solely for maintenance of the improvement, taking into account such assessments
33 and interest thereon, as the governing body determines. The first installment
34 shall be payable after the first collection of general property taxes following the
35 adoption of the assessment ordinance or resolution unless such ordinance or
36 resolution was adopted and certified too late to permit its collection at such time.
37 All assessments shall bear interest at such rate as the governing body
38 determines, not to exceed the rate permitted for bonds by section 108.170,
39 RSMo. Interest on the assessment between the effective date of the ordinance or
40 resolution assessing the assessment and the date the first installment is payable
41 shall be added to the first installment. The interest for one year on all unpaid

42 installments shall be added to each subsequent installment until paid. In the
43 case of a special assessment by a city, all of the installments, together with the
44 interest accrued or to accrue thereon, may be certified by the city clerk to the
45 county clerk in one instrument at the same time. Such certification shall be good
46 for all of the installments, and the interest thereon payable as special
47 assessments.

48 5. Special assessments shall be collected and paid over to the city
49 treasurer or county treasurer in the same manner as taxes of the city or county
50 are collected and paid. **In any county of the first classification with more
51 than one hundred thirty-five thousand four hundred but fewer than one
52 hundred thirty-five thousand five hundred inhabitants, the county
53 collector shall collect a fee as prescribed by section 52.260, RSMo, for
54 collection of assessments under this section.**

67.797. 1. When a regional recreational district is organized in only one
2 county, the executive, as that term is defined in subdivision (4) of section 67.750,
3 with the advice and consent of the governing body of the county shall appoint a
4 board of directors for the district consisting of seven persons, chosen from the
5 residents of the district. Where the district is in more than one county, the
6 executives, as defined in subdivision (4) of section 67.750, of the counties in the
7 district shall, with the advice and consent of the governing bodies of each county
8 shall, as nearly as practicable, evenly appoint such members and allocate
9 staggered terms pursuant to subsection 2 of this section, with the county having
10 the largest area within the district appointing a greater number of directors if the
11 directors cannot be appointed evenly. No member of the governing body of the
12 county or official of any municipal government located within the district shall
13 be a member of the board and no director shall receive compensation for
14 performance of duties as a director. Members of the board of directors shall be
15 citizens of the United States and they shall reside within the district. No board
16 member shall be interested directly or indirectly in any contract entered into
17 pursuant to sections 67.792 to 67.799.

18 2. The directors appointed to the regional recreation district shall hold
19 office for three-year terms, except that of the members first appointed, two shall
20 hold office for one year, two shall hold office for two years and three shall hold
21 office for three years. The executives of the counties within the regional
22 recreational district shall meet to determine and implement a fair allocation of
23 the staggered terms among the counties, provided that counties eligible to appoint

24 more than one board member may not appoint board members with identical
25 initial terms until each of a one-year, two-year and three-year initial term has
26 been applied to such county. On the expiration of such initial terms of
27 appointment and on the expiration of any subsequent term, the resulting
28 vacancies shall be filled by the executives of the respective counties, with the
29 advice and consent of the respective governing bodies. All vacancies on the board
30 shall be filled in the same manner for the duration of the term being
31 filled. Board members shall serve until their successors are named and such
32 successors have commenced their terms as board members. Board members shall
33 be eligible for reappointment. Upon the petition of the county executive of the
34 county from which the board member received his or her appointment, the
35 governing body of the county may remove any board member for misconduct or
36 neglect of duties.

37 3. Notwithstanding any other provision of sections 67.750 to 67.799, to the
38 contrary, after August 28, 2004, in any district located in whole or in part in any
39 county of the first classification with more than one hundred eighty-four thousand
40 but less than one hundred eighty-eight thousand inhabitants, upon the expiration
41 of such initial terms of appointment and on the expiration of any subsequent
42 term, the resulting vacancies shall be filled by election at the next regularly
43 scheduled election date throughout the district. In the event that a vacancy
44 exists before the expiration of a term, the governing body of the county shall
45 appoint a member for the remainder of the unexpired term. Board members shall
46 be elected for terms of three years. Such elections shall be held according to this
47 section and the applicable laws of this state. If no person files as a candidate for
48 election to the vacant office within the applicable deadline for filing as a
49 candidate, then the governing body of any such county shall appoint a person to
50 be a member of the board for a term of three years. Any appointed board
51 members shall be eligible to run for office.

52 4. Directors shall immediately after their appointment meet and organize
53 by the election of one of their number president, and by the election of such other
54 officers as they may deem necessary. The directors shall make and adopt such
55 bylaws, rules and regulations for their guidance and for the government of the
56 parks, neighborhood trails and recreational grounds and facilities as may be
57 expedient, not inconsistent with sections 67.792 to 67.799. They shall have the
58 exclusive control of the expenditures of all money collected to the credit of the
59 regional recreational fund and of the supervision, improvement, care and custody

60 of public parks, neighborhood trails, recreational facilities and grounds owned,
61 maintained or managed by the district. All moneys received for such purposes
62 shall be deposited in the treasury of the county containing the largest portion of
63 the district to the credit of the regional recreational fund and shall be kept
64 separate and apart from the other moneys of such county. Such board shall have
65 power to purchase or otherwise secure ground to be used for such parks,
66 neighborhood trails, recreational grounds and facilities, shall have power to
67 appoint suitable persons to maintain such parks, neighborhood trails and
68 recreational facilities and administer recreational programs and fix their
69 compensation, and shall have power to remove such appointees.

70 5. The board of directors may issue debt for the district pursuant to
71 section 67.798.

72 6. If a county, or a portion of a county, not previously part of any district,
73 shall enter a district, the executives of the new member county and any previous
74 member counties shall promptly meet to apportion the board seats among the
75 counties participating in the enlarged district. All purchases in excess of ten
76 thousand dollars used in the construction or maintenance of any public park,
77 neighborhood trail or recreational facility in the regional recreation district shall
78 be made pursuant to the lowest and best bid standard as provided in section
79 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided
80 in section 34.042, RSMo. The board of the district shall have the same discretion,
81 powers and duties as the commissioner of administration has in sections 34.040
82 and 34.042, RSMo.

83 **7. Notwithstanding other provisions of this section to the**
84 **contrary, when a regional recreational district lies completely within**
85 **any county of the first classification with more than one hundred**
86 **thirty-five thousand four hundred but fewer than one hundred thirty-**
87 **five thousand five hundred inhabitants on land owned solely by the**
88 **county, the governing body of the county shall have exclusive control**
89 **of the expenditures of all moneys collected to the credit of the regional**
90 **recreational fund, and of the supervision, improvement, care, and**
91 **custody of public parks, neighborhood trails, recreational facilities, and**
92 **grounds owned, maintained, or managed by the county within the**
93 **district.**

67.997. 1. The governing body of any county of the third
2 classification without a township form of government and with more

3 than eighteen thousand one hundred but fewer than eighteen thousand
4 two hundred inhabitants may impose, by order or ordinance, a sales tax
5 on all retail sales made within the county which are subject to sales tax
6 under chapter 144, RSMo. The tax authorized in this section shall not
7 exceed one-fourth of one percent, and shall be imposed solely for the
8 purpose of funding senior services and youth programs provided by the
9 county. One-half of all revenue collected under this section, less one-
10 half the cost of collection shall be used solely to fund any service or
11 activity deemed necessary by the senior service tax commission
12 established in this section, and one-half of all revenue collected under
13 this section, less one-half the cost of collection shall be used solely to
14 fund all youth programs administered by an existing county community
15 task force. The tax authorized in this section shall be in addition to all
16 other sales taxes imposed by law, and shall be stated separately from
17 all other charges and taxes. The order or ordinance shall not become
18 effective unless the governing body of the county submits to the voters
19 residing within the county at a state general, primary, or special
20 election a proposal to authorize the governing body of the county to
21 impose a tax under this section.

22 2. The ballot of submission for the tax authorized in this section
23 shall be in substantially the following form:

24 Shall (insert the name of the county) impose a sales tax at
25 a rate of (insert rate of percent) percent, with half of the revenue
26 from the tax, less one-half the cost of collection, to be used solely to
27 fund senior services provided by the county and half of the revenue
28 from the tax, less one-half the cost of collection, to be used solely to
29 fund youth programs provided by the county?

30 YES NO

31 If you are in favor of the question, place an "X" in the box opposite
32 "YES". If you are opposed to the question, place an "X" in the box
33 opposite "NO".

34 If a majority of the votes cast on the question by the qualified voters
35 voting thereon are in favor of the question, then the tax shall become
36 effective on the first day of the second calendar quarter immediately
37 following the approval of the tax or notification to the department of
38 revenue administered by the department of revenue. If a majority of

39 the votes cast on the question by the qualified voters voting thereon
40 are opposed to the question, then the tax shall not become effective
41 unless and until the question is resubmitted under this section to the
42 qualified voters and such question is approved by a majority of the
43 qualified voters voting on the question.

44 3. On or after the effective date of any tax authorized under this
45 section, the county which imposed the tax shall enter into an
46 agreement with the director of the department of revenue for the
47 purpose of collecting the tax authorized in this section. On or after the
48 effective date of the tax the director of revenue shall be responsible for
49 the administration, collection, enforcement, and operation of the tax,
50 and sections 32.085 and 32.087, RSMo, shall apply. All revenue collected
51 under this section by the director of the department of revenue on
52 behalf of any county, except for one percent for the cost of collection
53 which shall be deposited in the state's general revenue fund, shall be
54 deposited in a special trust fund, which is hereby created and shall be
55 known as the "Senior Services and Youth Programs Sales Tax Trust
56 Fund", and shall be used solely for the designated purposes. Moneys in
57 the fund shall not be deemed to be state funds, and shall not be
58 commingled with any funds of the state. The director may make
59 refunds from the amounts in the trust fund and credited to the county
60 for erroneous payments and overpayments made, and may redeem
61 dishonored checks and drafts deposited to the credit of such
62 county. Any funds in the special trust fund which are not needed for
63 current expenditures shall be invested in the same manner as other
64 funds are invested. Any interest and moneys earned on such
65 investments shall be credited to the fund.

66 4. In order to permit sellers required to collect and report the
67 sales tax to collect the amount required to be reported and remitted,
68 but not to change the requirements of reporting or remitting the tax,
69 or to serve as a levy of the tax, and in order to avoid fractions of
70 pennies, the governing body of the county may authorize the use of a
71 bracket system similar to that authorized in section 144.285, RSMo, and
72 notwithstanding the provisions of that section, this new bracket system
73 shall be used where this tax is imposed and shall apply to all taxable
74 transactions. Beginning with the effective date of the tax, every
75 retailer in the county shall add the sales tax to the sale price, and this

76 tax shall be a debt of the purchaser to the retailer until paid, and shall
77 be recoverable at law in the same manner as the purchase price. For
78 purposes of this section, all retail sales shall be deemed to be
79 consummated at the place of business of the retailer.

80 5. All applicable provisions in sections 144.010 to 144.525, RSMo,
81 governing the state sales tax, and section 32.057, RSMo, the uniform
82 confidentiality provision, shall apply to the collection of the tax, and
83 all exemptions granted to agencies of government, organizations, and
84 persons under sections 144.010 to 144.525, RSMo, are hereby made
85 applicable to the imposition and collection of the tax. The same sales
86 tax permit, exemption certificate, and retail certificate required by
87 sections 144.010 to 144.525, RSMo, for the administration and collection
88 of the state sales tax shall satisfy the requirements of this section, and
89 no additional permit or exemption certificate or retail certificate shall
90 be required; except that, the director of revenue may prescribe a form
91 of exemption certificate for an exemption from the tax. All discounts
92 allowed the retailer under the state sales tax for the collection of and
93 for payment of taxes are hereby allowed and made applicable to the
94 tax. The penalties for violations provided in section 32.057, RSMo, and
95 sections 144.010 to 144.525, RSMo, are hereby made applicable to
96 violations of this section. If any person is delinquent in the payment
97 of the amount required to be paid under this section, or in the event a
98 determination has been made against the person for taxes and penalty
99 under this section, the limitation for bringing suit for the collection of
100 the delinquent tax and penalty shall be the same as that provided in
101 sections 144.010 to 144.525, RSMo.

102 6. The governing body of any county that has adopted the sales
103 tax authorized in this section may submit the question of repeal of the
104 tax to the voters on any date available for elections for the county. The
105 ballot of submission shall be in substantially the following form:

106 Shall (insert the name of the county) repeal the sales tax
107 imposed at a rate of (insert rate of percent) percent for the
108 purpose of funding senior services and youth programs provided by the
109 county?

110 YES NO

111 If you are in favor of the question, place an "X" in the box opposite

112 "YES". If you are opposed to the question, place an "X" in the box
113 opposite "NO".

114 If a majority of the votes cast on the question by the qualified voters
115 voting thereon are in favor of repeal, that repeal shall become effective
116 on December thirty-first of the calendar year in which such repeal was
117 approved. If a majority of the votes cast on the question by the
118 qualified voters voting thereon are opposed to the repeal, then the sales
119 tax authorized in this section shall remain effective until the question
120 is resubmitted under this section to the qualified voters and the repeal
121 is approved by a majority of the qualified voters voting on the question.

122 7. Whenever the governing body of any county that has adopted
123 the sales tax authorized in this section receives a petition, signed by
124 ten percent of the registered voters of the county voting in the last
125 gubernatorial election, calling for an election to repeal the sales tax
126 imposed under this section, the governing body shall submit to the
127 voters of the county a proposal to repeal the tax. If a majority of the
128 votes cast on the question by the qualified voters voting thereon are in
129 favor of the repeal, the repeal shall become effective on December
130 thirty-first of the calendar year in which such repeal was approved. If
131 a majority of the votes cast on the question by the qualified voters
132 voting thereon are opposed to the repeal, then the sales tax authorized
133 in this section shall remain effective until the question is resubmitted
134 under this section to the qualified voters and the repeal is approved by
135 a majority of the qualified voters voting on the question.

136 8. If the tax is repealed or terminated by any means, all funds
137 remaining in the special trust fund shall continue to be used solely for
138 the designated purposes, and the county shall notify the director of the
139 department of revenue of the action at least thirty days before the
140 effective date of the repeal and the director may order retention in the
141 trust fund, for a period of one year, of two percent of the amount
142 collected after receipt of such notice to cover possible refunds or
143 overpayment of the tax and to redeem dishonored checks and drafts
144 deposited to the credit of such accounts. After one year has elapsed
145 after the effective date of abolition of the tax in such county, the
146 director shall remit the balance in the account to the county and close
147 the account of that county. The director shall notify each county of
148 each instance of any amount refunded or any check redeemed from

149 receipts due the county.

150 **9. Each county imposing the tax authorized in this section shall**
151 **establish a senior services tax commission to administer the portion of**
152 **the sales tax revenue dedicated to providing senior services. Such**
153 **commission shall consist of seven members appointed by the county**
154 **commission. The county commission shall determine the qualifications,**
155 **terms of office, compensation, powers, duties, restrictions, procedures,**
156 **and all other necessary functions of the commission.**

67.1003. 1. The governing body of any city or county, other than a city or
2 county already imposing a tax on the charges for all sleeping rooms paid by the
3 transient guests of hotels and motels situated in such city or county or a portion
4 thereof pursuant to any other law of this state, having more than three hundred
5 fifty hotel and motel rooms inside such city or county or (1) a county of the third
6 classification with a population of more than seven thousand but less than seven
7 thousand four hundred inhabitants; (2) or a third class city with a population of
8 greater than ten thousand but less than eleven thousand located in a county of
9 the third classification with a township form of government with a population of
10 more than thirty thousand; (3) or a county of the third classification with a
11 township form of government with a population of more than twenty thousand but
12 less than twenty-one thousand; (4) or any third class city with a population of
13 more than eleven thousand but less than thirteen thousand which is located in
14 a county of the third classification with a population of more than twenty-three
15 thousand but less than twenty-six thousand; (5) or any city of the third
16 classification with more than ten thousand five hundred but fewer than ten
17 thousand six hundred inhabitants; **(6) or any city of the third classification**
18 **with more than twenty-six thousand three hundred but fewer than**
19 **twenty-six thousand seven hundred inhabitants** may impose a tax on the
20 charges for all sleeping rooms paid by the transient guests of hotels or motels
21 situated in the city or county or a portion thereof, which shall be not more than
22 five percent per occupied room per night, except that such tax shall not become
23 effective unless the governing body of the city or county submits to the voters of
24 the city or county at a state general or primary election a proposal to authorize
25 the governing body of the city or county to impose a tax pursuant to this
26 section. The tax authorized by this section shall be in addition to the charge for
27 the sleeping room and shall be in addition to any and all taxes imposed by law
28 and the proceeds of such tax shall be used by the city or county solely for the

29 promotion of tourism. Such tax shall be stated separately from all other charges
30 and taxes.

31 2. Notwithstanding any other provision of law to the contrary, the tax
32 authorized in this section shall not be imposed in any city or county already
33 imposing such tax pursuant to any other law of this state, except that cities of the
34 third class having more than two thousand five hundred hotel and motel rooms,
35 and located in a county of the first classification in which and where another tax
36 on the charges for all sleeping rooms paid by the transient guests of hotels and
37 motels situated in such county is imposed, may impose the tax authorized by this
38 section of not more than one-half of one percent per occupied room per night.

39 3. The ballot of submission for the tax authorized in this section shall be
40 in substantially the following form:

41 Shall (insert the name of the city or county) impose a tax on the charges
42 for all sleeping rooms paid by the transient guests of hotels and motels situated
43 in (name of city or county) at a rate of (insert rate of percent) percent for the sole
44 purpose of promoting tourism?

45 YES NO

46 4. As used in this section, "transient guests" means a person or persons
47 who occupy a room or rooms in a hotel or motel for thirty-one days or less during
48 any calendar quarter.

**67.1181. Any political subdivision authorized by this chapter to
2 collect and expend tax revenues imposed by such political subdivision
3 for the advertising and promotion of tourism shall perform, or cause to
4 be performed, an audit of its finances at least once every five calendar
5 years if no other statutory auditing requirement exists for such
6 political subdivision. The political subdivision shall pay the actual cost
7 of the audit from the revenues for operating costs. The first such audit
8 required by this section shall be completed no later than January 1,
9 2009.**

67.1360. The governing body of:

2 (1) A city with a population of more than seven thousand and less than
3 seven thousand five hundred;

4 (2) A county with a population of over nine thousand six hundred and less
5 than twelve thousand which has a total assessed valuation of at least sixty-three
6 million dollars, if the county submits the issue to the voters of such county prior
7 to January 1, 2003;

8 (3) A third class city which is the county seat of a county of the third
9 classification without a township form of government with a population of at least
10 twenty-five thousand but not more than thirty thousand inhabitants;

11 (4) Any fourth class city having, according to the last federal decennial
12 census, a population of more than one thousand eight hundred fifty inhabitants
13 but less than one thousand nine hundred fifty inhabitants in a county of the first
14 classification with a charter form of government and having a population of
15 greater than six hundred thousand but less than nine hundred thousand
16 inhabitants;

17 (5) Any city having a population of more than three thousand but less
18 than eight thousand inhabitants in a county of the fourth classification having
19 a population of greater than forty-eight thousand inhabitants;

20 (6) Any city having a population of less than two hundred fifty inhabitants
21 in a county of the fourth classification having a population of greater than
22 forty-eight thousand inhabitants;

23 (7) Any fourth class city having a population of more than two thousand
24 five hundred but less than three thousand inhabitants in a county of the third
25 classification having a population of more than twenty-five thousand but less
26 than twenty-seven thousand inhabitants;

27 (8) Any third class city with a population of more than three thousand two
28 hundred but less than three thousand three hundred located in a county of the
29 third classification having a population of more than thirty-five thousand but less
30 than thirty-six thousand;

31 (9) Any county of the second classification without a township form of
32 government and a population of less than thirty thousand;

33 (10) Any city of the fourth class in a county of the second classification
34 without a township form of government and a population of less than thirty
35 thousand;

36 (11) Any county of the third classification with a township form of
37 government and a population of at least twenty-eight thousand but not more than
38 thirty thousand;

39 (12) Any city of the fourth class with a population of more than one
40 thousand eight hundred but less than two thousand in a county of the third
41 classification with a township form of government and a population of at least
42 twenty-eight thousand but not more than thirty thousand;

43 (13) Any city of the third class with a population of more than seven

44 thousand two hundred but less than seven thousand five hundred within a county
45 of the third classification with a population of more than twenty-one thousand but
46 less than twenty-three thousand;

47 (14) Any fourth class city having a population of more than two thousand
48 eight hundred but less than three thousand one hundred inhabitants in a county
49 of the third classification with a township form of government having a
50 population of more than eight thousand four hundred but less than nine thousand
51 inhabitants;

52 (15) Any fourth class city with a population of more than four hundred
53 seventy but less than five hundred inhabitants located in a county of the
54 third classification with a population of more than fifteen thousand nine hundred
55 but less than sixteen thousand inhabitants;

56 (16) Any third class city with a population of more than three thousand
57 eight hundred but less than four thousand inhabitants located in a county of the
58 third classification with a population of more than fifteen thousand nine hundred
59 but less than sixteen thousand inhabitants;

60 (17) Any fourth class city with a population of more than four thousand
61 three hundred but less than four thousand five hundred inhabitants located in
62 a county of the third classification without a township form of government with
63 a population greater than sixteen thousand but less than sixteen thousand two
64 hundred inhabitants;

65 (18) Any fourth class city with a population of more than two thousand
66 four hundred but less than two thousand six hundred inhabitants located in a
67 county of the first classification without a charter form of government with a
68 population of more than fifty-five thousand but less than sixty thousand
69 inhabitants;

70 (19) Any fourth class city with a population of more than two thousand
71 five hundred but less than two thousand six hundred inhabitants located in a
72 county of the third classification with a population of more than nineteen
73 thousand one hundred but less than nineteen thousand two hundred inhabitants;

74 (20) Any county of the third classification without a township form of
75 government with a population greater than sixteen thousand but less than
76 sixteen thousand two hundred inhabitants;

77 (21) Any county of the second classification with a population of more
78 than forty-four thousand but less than fifty thousand inhabitants;

79 (22) Any third class city with a population of more than nine thousand

80 five hundred but less than nine thousand seven hundred inhabitants located in
81 a county of the first classification without a charter form of government and with
82 a population of more than one hundred ninety-eight thousand but less than one
83 hundred ninety-eight thousand two hundred inhabitants;

84 (23) Any city of the fourth classification with more than five thousand two
85 hundred but less than five thousand three hundred inhabitants located in a
86 county of the third classification without a township form of government and with
87 more than twenty-four thousand five hundred but less than twenty-four thousand
88 six hundred inhabitants;

89 (24) Any third class city with a population of more than nineteen
90 thousand nine hundred but less than twenty thousand in a county of the first
91 classification without a charter form of government and with a population of more
92 than one hundred ninety-eight thousand but less than one hundred ninety-eight
93 thousand two hundred inhabitants;

94 (25) Any city of the fourth classification with more than two thousand six
95 hundred but less than two thousand seven hundred inhabitants located in any
96 county of the third classification without a township form of government and with
97 more than fifteen thousand three hundred but less than fifteen thousand four
98 hundred inhabitants;

99 (26) Any county of the third classification without a township form of
100 government and with more than fourteen thousand nine hundred but less than
101 fifteen thousand inhabitants;

102 (27) Any city of the fourth classification with more than five thousand four
103 hundred but fewer than five thousand five hundred inhabitants and located in
104 more than one county;

105 (28) Any city of the fourth classification with more than six thousand
106 three hundred but fewer than six thousand five hundred inhabitants and located
107 in more than one county **through the creation of a tourism district which**
108 **may include, in addition to the geographic area of such city, the area**
109 **encompassed by the portion of the school district, located within a**
110 **county of the first classification with more than ninety-three thousand**
111 **eight hundred but fewer than ninety-three thousand nine hundred**
112 **inhabitants, having an average daily attendance for school year 2005-**
113 **2006 between one thousand eight hundred and one thousand nine**
114 **hundred inhabitants;**

115 (29) Any city of the fourth classification with more than seven thousand

116 seven hundred but less than seven thousand eight hundred inhabitants located
117 in a county of the first classification with more than ninety-three thousand eight
118 hundred but less than ninety-three thousand nine hundred inhabitants;

119 (30) Any city of the fourth classification with more than two thousand
120 nine hundred but less than three thousand inhabitants located in a county of the
121 first classification with more than seventy-three thousand seven hundred but less
122 than seventy-three thousand eight hundred inhabitants; [or]

123 (31) Any city of the third classification with more than nine thousand
124 three hundred but less than nine thousand four hundred inhabitants; or

125 **(32) Any city of the fourth classification with more than three**
126 **thousand eight hundred but fewer than three thousand nine hundred**
127 **inhabitants and located in any county of the first classification with**
128 **more than thirty-nine thousand seven hundred but fewer than**
129 **thirty-nine thousand eight hundred inhabitants;**

130 may impose a tax on the charges for all sleeping rooms paid by the transient
131 guests of hotels, motels, bed and breakfast inns and campgrounds and any
132 docking facility which rents slips to recreational boats which are used by
133 transients for sleeping, which shall be at least two percent, but not more than
134 five percent per occupied room per night, except that such tax shall not become
135 effective unless the governing body of the city or county submits to the voters of
136 the city or county at a state general, primary or special election, a proposal to
137 authorize the governing body of the city or county to impose a tax pursuant to the
138 provisions of this section and section 67.1362. The tax authorized by this section
139 and section 67.1362 shall be in addition to any charge paid to the owner or
140 operator and shall be in addition to any and all taxes imposed by law and the
141 proceeds of such tax shall be used by the city or county solely for funding the
142 promotion of tourism. Such tax shall be stated separately from all other charges
143 and taxes.

67.1451. 1. If a district is a political subdivision, the election and
2 qualifications of members to the district's board of directors shall be in
3 accordance with this section. If a district is a not-for-profit corporation, the
4 election and qualification of members to its board of directors shall be in
5 accordance with chapter 355, RSMo.

6 2. The district shall be governed by a board consisting of at least five but
7 not more than thirty directors. Each director shall, during his or her entire term,
8 be:

- 9 (1) At least eighteen years of age; and
- 10 (2) Be either:
- 11 (a) An owner, as defined in section 67.1401, of real property or of a
- 12 business operating within the district; or
- 13 (b) [If in a home rule city with more than one hundred fifty-one thousand
- 14 five hundred but fewer than one hundred fifty-one thousand six hundred
- 15 inhabitants, a legally authorized representative of an owner of real property
- 16 located within the district.] If there are less than five owners of real property
- 17 located within a district, the board may be comprised of up to five legally
- 18 authorized representatives of any of the owners of real property located within
- 19 the district; or
- 20 (c) A registered voter residing within the district; and
- 21 (3) Any other qualifications set forth in the petition establishing the
- 22 district.
- 23 3. If the district is a political subdivision, the board shall be elected or
- 24 appointed, as provided in the petition.
- 25 4. If the board is to be elected, the procedure for election shall be as
- 26 follows:
- 27 (1) The municipal clerk shall specify a date on which the election shall
- 28 occur which date shall be a Tuesday and shall not be earlier than the tenth
- 29 Tuesday, and shall not be later than the fifteenth Tuesday, after the effective
- 30 date of the ordinance adopted to establish the district;
- 31 (2) The election shall be conducted in the same manner as provided for in
- 32 section 67.1551, provided that the published notice of the election shall contain
- 33 the information required by section 67.1551 for published notices, except that it
- 34 shall state that the purpose of the election is for the election of directors, in lieu
- 35 of the information related to taxes;
- 36 (3) Candidates shall pay the sum of five dollars as a filing fee and shall
- 37 file not later than the second Tuesday after the effective date of the ordinance
- 38 establishing the district with the municipal clerk a statement under oath that he
- 39 or she possesses all of the qualifications set out in this section for a
- 40 director. Thereafter, such candidate shall have his or her name placed on the
- 41 ballot as a candidate for director;
- 42 (4) The director or directors to be elected shall be elected at large. The
- 43 person receiving the most votes shall be elected to the position having the longest
- 44 term; the person receiving the second highest votes shall be elected to the

45 position having the next longest term and so forth. For any district formed prior
46 to August 28, 2003, of the initial directors, one-half shall serve for a two-year
47 term, one-half shall serve for a four-year term and if an odd number of directors
48 are elected, the director receiving the least number of votes shall serve for a
49 two-year term, until such director's successor is elected. For any district formed
50 on or after August 28, 2003, for the initial directors, one-half shall serve for a
51 two-year term, and one-half shall serve for the term specified by the district
52 pursuant to subdivision (5) of this subsection, and if an odd number of directors
53 are elected, the director receiving the least number of votes shall serve for a
54 two-year term, until such director's successor is elected;

55 (5) Successor directors shall be elected in the same manner as the initial
56 directors. The date of the election of successor directors shall be specified by the
57 municipal clerk which date shall be a Tuesday and shall not be later than the
58 date of the expiration of the stated term of the expiring director. Each successor
59 director shall serve a term for the length specified prior to the election by the
60 district, which term shall be at least three years and not more than four years,
61 and shall continue until such director's successor is elected. In the event of a
62 vacancy on the board of directors, the remaining directors shall elect an interim
63 director to fill the vacancy for the unexpired term.

64 5. If the petition provides that the board is to be appointed by the
65 municipality, such appointments shall be made by the chief elected officer of the
66 municipality with the consent of the governing body of the municipality. For any
67 district formed prior to August 28, 2003, of the initial appointed directors,
68 one-half of the directors shall be appointed to serve for a two-year term and the
69 remaining one-half shall be appointed to serve for a four-year term until such
70 director's successor is appointed; provided that, if there is an odd number of
71 directors, the last person appointed shall serve a two-year term. For any district
72 formed on or after August 28, 2003, of the initial appointed directors, one-half
73 shall be appointed to serve for a two-year term, and one-half shall be appointed
74 to serve for the term specified by the district for successor directors pursuant to
75 this subsection, and if an odd number of directors are appointed, the last person
76 appointed shall serve for a two-year term; provided that each director shall serve
77 until such director's successor is appointed. Successor directors shall be
78 appointed in the same manner as the initial directors and shall serve for a term
79 of years specified by the district prior to the appointment, which term shall be at
80 least three years and not more than four years.

81 6. If the petition states the names of the initial directors, those directors
82 shall serve for the terms specified in the petition and successor directors shall be
83 determined either by the above-listed election process or appointment process as
84 provided in the petition.

85 7. Any director may be removed for cause by a two-thirds affirmative vote
86 of the directors of the board. Written notice of the proposed removal shall be
87 given to all directors prior to action thereon.

88 8. The board is authorized to act on behalf of the district, subject to
89 approval of qualified voters as required in this section; except that, all official
90 acts of the board shall be by written resolution approved by the board.

**67.2040. 1. The governing body of any county of the third
2 classification without a township form of government and with more
3 than forty-one thousand one hundred but fewer than forty-one
4 thousand two hundred inhabitants may impose, by order or ordinance,
5 a sales tax on all retail sales made within the county which are subject
6 to sales tax under chapter 144, RSMo. The tax authorized in this
7 section shall be equal to one-eighth of one percent, and shall be
8 imposed solely for the purpose of funding construction for a shelter for
9 women and children, as defined in section 455.200, RSMo. The tax
10 authorized in this section shall be in addition to all other sales taxes
11 imposed by law, and shall be stated separately from all other charges
12 and taxes. The order or ordinance shall not become effective unless the
13 governing body of the county submits to the voters residing within the
14 county at a state general, primary, or special election, a proposal to
15 authorize the governing body of the county to impose a tax under this
16 section.**

17 **2. The ballot of submission for the tax authorized in this section**
18 **shall be in substantially the following form:**

19 **Shall (insert the name of the political subdivision) impose**
20 **a sales tax at a rate of (insert rate of percent) percent, solely for**
21 **the purpose of funding construction for a shelter for women and**
22 **children?**

23 **YES** **NO**

24 **If you are in favor of the question, place an "X" in the box opposite**
25 **"YES". If you are opposed to the question, place an "X" in the box**
26 **opposite "NO".**

27 If a majority of the votes cast on the question by the qualified voters
28 voting thereon are in favor of the question, then the tax shall become
29 effective on the first day of the second calendar quarter immediately
30 following notification to the department of revenue. If a majority of the
31 votes cast on the question by the qualified voters voting thereon are
32 opposed to the question, then the tax shall not become effective unless
33 and until the question is resubmitted under this section to the qualified
34 voters and such question is approved by a majority of the qualified
35 voters voting on the question.

36 3. All revenue collected under this section by the director of the
37 department of revenue on behalf of any county, except for one percent
38 for the cost of collection which shall be deposited in the state's general
39 revenue fund, shall be deposited in a special trust fund, which is
40 hereby created and shall be known as the "Women's and Children's
41 Shelter Sales Tax Fund", and shall be used solely for the designated
42 purposes. Moneys in the fund shall not be deemed to be state funds,
43 and shall not be commingled with any funds of the state. The director
44 may make refunds from the amounts in the trust fund and credited to
45 the county for erroneous payments and overpayments made, and may
46 redeem dishonored checks and drafts deposited to the credit of such
47 county. Any funds in the special trust fund which are not needed for
48 current expenditures shall be invested in the same manner as other
49 funds are invested. Any interest and moneys earned on such
50 investments shall be credited to the fund.

51 4. On or after the effective date of the tax, the director of
52 revenue shall be responsible for the administration, collection,
53 enforcement, and operation of the tax, and sections 32.085 and 32.087,
54 RSMo, shall apply. In order to permit sellers required to collect and
55 report the sales tax to collect the amount required to be reported and
56 remitted, but not to change the requirements of reporting or remitting
57 the tax, or to serve as a levy of the tax, and in order to avoid fractions
58 of pennies, the governing body of the county may authorize the use of
59 a bracket system similar to that authorized in section 144.285, RSMo,
60 and notwithstanding the provisions of that section, this new bracket
61 system shall be used where this tax is imposed and shall apply to all
62 taxable transactions. Beginning with the effective date of the tax,
63 every retailer in the county shall add the sales tax to the sale price,

64 and this tax shall be a debt of the purchaser to the retailer until paid,
65 and shall be recoverable at law in the same manner as the purchase
66 price. For purposes of this section, all retail sales shall be deemed to
67 be consummated at the place of business of the retailer.

68 5. All applicable provisions in sections 144.010 to 144.525, RSMo,
69 governing the state sales tax, and section 32.057, RSMo, the uniform
70 confidentiality provision, shall apply to the collection of the tax, and
71 all exemptions granted to agencies of government, organizations, and
72 persons under sections 144.010 to 144.525, RSMo, are hereby made
73 applicable to the imposition and collection of the tax. The same sales
74 tax permit, exemption certificate, and retail certificate required by
75 sections 144.010 to 144.525, RSMo, for the administration and collection
76 of the state sales tax shall satisfy the requirements of this section, and
77 no additional permit or exemption certificate or retail certificate shall
78 be required; except that, the director of revenue may prescribe a form
79 of exemption certificate for an exemption from the tax. All discounts
80 allowed the retailer under the state sales tax for the collection of and
81 for payment of taxes are hereby allowed and made applicable to the
82 tax. The penalties for violations provided in section 32.057, RSMo, and
83 sections 144.010 to 144.525, RSMo, are hereby made applicable to
84 violations of this section. If any person is delinquent in the payment
85 of the amount required to be paid under this section, or in the event a
86 determination has been made against the person for taxes and penalty
87 under this section, the limitation for bringing suit for the collection of
88 the delinquent tax and penalty shall be the same as that provided in
89 sections 144.010 to 144.525, RSMo.

90 6. Any sales tax imposed under this section shall expire three
91 years after the date such tax becomes effective, unless such tax is
92 repealed under this section before the expiration date provided for in
93 this subsection.

94 7. The governing body of any county that has adopted the sales
95 tax authorized in this section may submit the question of repeal of the
96 tax to the voters on any date available for elections for the county. The
97 ballot of submission shall be in substantially the following form:

98 Shall (insert the name of the political subdivision) repeal
99 the sales tax imposed at a rate of (insert rate of percent) percent
100 for the purpose of funding construction for a shelter for women and

101 children?

102

YES

NO

103 If you are in favor of the question, place an "X" in the box opposite
104 "YES". If you are opposed to the question, place an "X" in the box
105 opposite "NO".

106 If a majority of the votes cast on the question by the qualified voters
107 voting thereon are in favor of repeal, that repeal shall become effective
108 on December thirty-first of the calendar year in which such repeal was
109 approved. If a majority of the votes cast on the question by the
110 qualified voters voting thereon are opposed to the repeal, then the sales
111 tax authorized in this section shall remain effective until the question
112 is resubmitted under this section to the qualified voters and the repeal
113 is approved by a majority of the qualified voters voting on the question.

114 8. Whenever the governing body of any county that has adopted
115 the sales tax authorized in this section receives a petition, signed by
116 ten percent of the registered voters of the county voting in the last
117 gubernatorial election, calling for an election to repeal the sales tax
118 imposed under this section, the governing body shall submit to the
119 voters of the county a proposal to repeal the tax. If a majority of the
120 votes cast on the question by the qualified voters voting thereon are in
121 favor of the repeal, the repeal shall become effective on December
122 thirty-first of the calendar year in which such repeal was approved. If
123 a majority of the votes cast on the question by the qualified voters
124 voting thereon are opposed to the repeal, then the sales tax authorized
125 in this section shall remain effective until the question is resubmitted
126 under this section to the qualified voters and the repeal is approved by
127 a majority of the qualified voters voting on the question.

128 9. If the tax is repealed or terminated by any means, all funds
129 remaining in the special trust fund shall continue to be used solely for
130 the designated purposes, and the county shall notify the director of the
131 department of revenue of the action at least thirty days before the
132 effective date of the repeal and the director may order retention in the
133 trust fund, for a period of one year, of two percent of the amount
134 collected after receipt of such notice to cover possible refunds or
135 overpayment of the tax and to redeem dishonored checks and drafts
136 deposited to the credit of such accounts. After one year has elapsed

137 after the effective date of abolition of the tax in such county, the
138 director shall remit the balance in the account to the county and close
139 the account of that county. The director shall notify each county of
140 each instance of any amount refunded or any check redeemed from
141 receipts due the county.

67.2500. 1. A theater, cultural arts, and entertainment district
2 may be established in the manner provided in section 67.2505 by the
3 governing body of any county set forth in this section, the governing body
4 of any city, town, or village that has adopted transect-based zoning
5 under sections 89.010 to 89.140, RSMo, or the governing body of any city,
6 town, or village that is within:

7 (1) A first class county with a charter form of government with a
8 population over two hundred fifty thousand that adjoins a first class county with
9 a charter form of government with a population over nine hundred thousand[, or
10 that is within];

11 (2) Any county with a charter form of government and with more than
12 two hundred fifty thousand but less than three hundred fifty thousand
13 inhabitants[, may establish a theater, cultural arts, and entertainment district
14 in the manner provided in section 67.2505];

15 (3) Any county of the first classification with more than
16 ninety-three thousand eight hundred but fewer than ninety-three
17 thousand nine hundred inhabitants;

18 (4) Any county of the first classification with more than one
19 hundred eighty-four thousand but fewer than one hundred eighty-eight
20 thousand inhabitants;

21 (5) Any county with a charter form of government and with more
22 than six hundred thousand but fewer than seven hundred thousand
23 inhabitants; or

24 (6) Any county of the first classification with more than one
25 hundred thirty-five thousand four hundred but fewer than one hundred
26 thirty-five thousand five hundred inhabitants.

27 2. Sections 67.2500 to 67.2530 shall be known as the "Theater, Cultural
28 Arts, and Entertainment District Act".

29 3. As used in sections 67.2500 to 67.2530, the following terms mean:

30 (1) "District", a theater, cultural arts, and entertainment district
31 organized under this section;

32 (2) "Qualified electors", "qualified voters", or "voters", registered voters
33 residing within the district or subdistrict, or proposed district or subdistrict, who
34 have registered to vote pursuant to chapter 115, RSMo, or, if there are no persons
35 eligible to be registered voters residing in the district or subdistrict, proposed
36 district or subdistrict, property owners, including corporations and other entities,
37 that are owners of real property;

38 (3) "Registered voters", persons qualified and registered to vote pursuant
39 to chapter 115, RSMo; and

40 (4) "Subdistrict", a subdivision of a district, but not a separate political
41 subdivision, created for the purposes specified in subsection 5 of section 67.2505.

67.2505. 1. A district may be created to fund, promote, and provide
2 educational, civic, musical, theatrical, cultural, concerts, lecture series, and
3 related or similar entertainment events or activities, and to fund, promote, plan,
4 design, construct, improve, maintain, and operate public improvements,
5 **infrastructure**, transportation projects, and related facilities in the district.

6 2. A district is a political subdivision of the state.

7 3. The name of a district shall consist of a name chosen by the original
8 petitioners, preceding the words "theater, cultural arts, and entertainment
9 district".

10 4. The district shall include a minimum of [fifty] **twenty-five** contiguous
11 acres.

12 5. Subdistricts shall be formed for the purpose of voting upon proposals
13 for the creation of the district or subsequent proposed subdistrict, voting upon the
14 question of imposing a proposed sales tax, and for representation on the board of
15 directors, and for no other purpose.

16 6. Whenever the creation of a district is desired, one or more registered
17 voters from each subdistrict of the proposed district, or one or more property
18 owners who collectively own one or more parcels of real estate comprising at least
19 a majority of the land situated in the proposed subdistricts within the proposed
20 district, may file a petition requesting the creation of a district with the
21 governing body of the city, town, or village within which the proposed district is
22 to be established. The petition shall contain the following information:

23 (1) The name, address, and phone number of each petitioner and the
24 location of the real property owned by the petitioner;

25 (2) The name of the proposed district;

26 (3) A legal description of the proposed district, including a map

27 illustrating the district boundaries, which shall be contiguous, and the division
28 of the district into at least five, but not more than fifteen, subdistricts that shall
29 contain, or are projected to contain upon full development of the subdistricts,
30 approximately equal populations;

31 (4) A statement indicating the number of directors to serve on the board,
32 which shall be not less than five or more than fifteen;

33 (5) A request that the district be established;

34 (6) A general description of the activities that are planned for the district;

35 (7) A proposal for a sales tax to fund the district initially, pursuant to the
36 authority granted in sections 67.2500 to 67.2530, together with a request that the
37 imposition of the sales tax be submitted to the qualified voters within the district;

38 (8) A statement that the proposed district shall not be an undue burden
39 on any owner of property within the district and is not unjust or unreasonable;

40 (9) A request that the question of the establishment of the district be
41 submitted to the qualified voters of the district;

42 (10) A signed statement that the petitioners are authorized to submit the
43 petition to the governing body; and

44 (11) Any other items the petitioners deem appropriate.

45 7. Upon the filing of a petition pursuant to this section, the governing
46 body of any city, town, or village described in this section may pass a resolution
47 containing the following information:

48 (1) A description of the boundaries of the proposed district and each
49 subdistrict;

50 (2) The time and place of a hearing to be held to consider establishment
51 of the proposed district;

52 (3) The time frame and manner for the filing of protests;

53 (4) The proposed sales tax rate to be voted upon within the subdistricts
54 of the proposed district;

55 (5) The proposed uses for the revenue to be generated by the new sales
56 tax; and

57 (6) Such other matters as the governing body may deem appropriate.

58 8. Prior to the governing body certifying the question of the district's
59 creation and imposing a sales tax for approval by the qualified electors, a hearing
60 shall be held as provided by this subsection. The governing body of the
61 municipality approving a resolution as set forth in subsection 7 of this section
62 shall:

63 (1) Publish notice of the hearing, which shall include the information
64 contained in the resolution cited in subsection 7 of this section, on two separate
65 occasions in at least one newspaper of general circulation in the county where the
66 proposed district is located, with the first publication to occur not more than
67 thirty days before the hearing, and the second publication to occur not more than
68 fifteen days or less than ten days before the hearing;

69 (2) Hear all protests and receive evidence for or against the establishment
70 of the proposed district; and

71 (3) Consider all protests, which determinations shall be final.

72 The costs of printing and publication of the notice shall be paid by the petitioners.
73 If the district is organized pursuant to sections 67.2500 to 67.2530, the
74 petitioners may be reimbursed for such costs out of the revenues received by the
75 district.

76 9. Following the hearing, the governing body of any city, town, or village
77 within which the proposed district will be located may order an election on the
78 questions of the district creation and sales tax funding for voter approval and
79 certify the questions to the municipal clerk. The election order shall include the
80 date on which the ballots will be mailed to qualified electors, which shall be not
81 sooner than the eighth Tuesday from the issuance of the order. The election
82 regarding the incorporation of the district and the imposing of the sales tax shall
83 follow the procedure set forth in section 67.2520, and shall be held pursuant to
84 the order and certification by the governing body. Only those subdistricts
85 approving the question of creating the district and imposing the sales tax shall
86 become part of the district.

87 10. If the results of the election conducted in accordance with section
88 67.2520 show that a majority of the votes cast were in favor of organizing the
89 district and imposing the sales tax, the governing body may establish the
90 proposed district in those subdistricts approving the question of creating the
91 district and imposing the sales tax by adopting an ordinance to that effect. The
92 ordinance establishing the district shall contain the following:

93 (1) The description of the boundaries of the district and each subdistrict;

94 (2) A statement that a theater, cultural arts, and entertainment district
95 has been established;

96 (3) A declaration that the district is a political subdivision of the state;

97 (4) The name of the district;

98 (5) The date on which the sales tax election in the subdistricts was held,

99 and the result of the election;

100 (6) The uses for any revenue generated by a sales tax imposed pursuant
101 to this section;

102 (7) A certification to the newly created district of the election results,
103 including the election concerning the sales tax; and

104 (8) Such other matters as the governing body deems appropriate.

105 11. Any subdistrict that does not approve the creation of the district and
106 imposing the sales tax shall not be a part of the district and the sales tax shall
107 not be imposed until after the district board of directors has submitted another
108 proposal for the inclusion of the area into the district and such proposal and the
109 sales tax proposal are approved by a majority of the qualified voters in the
110 subdistrict voting thereon. Such subsequent elections shall be conducted in
111 accordance with section 67.2520; provided, however, that the district board of
112 directors may place the question of the inclusion of a subdistrict within a district
113 and the question of imposing a sales tax before the voters of a proposed
114 subdistrict, and the municipal clerk, or circuit clerk if the district is formed by
115 the circuit court, shall conduct the election. In subsequent elections, the election
116 judges shall certify the election results to the district board of directors.

[67.2505. 1. A district may be created to fund, promote,
2 and provide educational, civic, musical, theatrical, cultural,
3 concerts, lecture series, and related or similar entertainment
4 events or activities, and to fund, promote, plan, design, construct,
5 improve, maintain, and operate public improvements,
6 transportation projects, and related facilities in the district.

7 2. A district is a political subdivision of the state.

8 3. The name of a district shall consist of a name chosen by
9 the original petitioners, preceding the words "theater, cultural arts,
10 and entertainment district".

11 4. The district shall include a minimum of fifty contiguous
12 acres.

13 5. Subdistricts shall be formed for the purpose of voting
14 upon proposals for the creation of the district or subsequent
15 proposed subdistrict, voting upon the question of imposing a
16 proposed sales tax, and for representation on the board of directors,
17 and for no other purpose.

18 6. Whenever the creation of a district is desired, one or

19 more registered voters from each subdistrict of the proposed
20 district, or one or more property owners who collectively own one
21 or more parcels of real estate comprising at least a majority of the
22 land situated in the proposed subdistricts within the proposed
23 district, may file a petition requesting the creation of a district
24 with the governing body of the city, town, or village within which
25 the proposed district is to be established. The petition shall
26 contain the following information:

27 (1) The name, address, and phone number of each petitioner
28 and the location of the real property owned by the petitioner;

29 (2) The name of the proposed district;

30 (3) A legal description of the proposed district, including a
31 map illustrating the district boundaries, which shall be contiguous,
32 and the division of the district into at least five, but not more than
33 fifteen, subdistricts that shall contain, or are projected to contain
34 upon full development of the subdistricts, approximately equal
35 populations;

36 (4) A statement indicating the number of directors to serve
37 on the board, which shall be not less than five or more than fifteen;

38 (5) A request that the district be established;

39 (6) A general description of the activities that are planned
40 for the district;

41 (7) A proposal for a sales tax to fund the district initially,
42 pursuant to the authority granted in sections 67.2500 to 67.2530,
43 together with a request that the imposition of the sales tax be
44 submitted to the qualified voters within the district;

45 (8) A statement that the proposed district shall not be an
46 undue burden on any owner of property within the district and is
47 not unjust or unreasonable;

48 (9) A request that the question of the establishment of the
49 district be submitted to the qualified voters of the district;

50 (10) A signed statement that the petitioners are authorized
51 to submit the petition to the governing body; and

52 (11) Any other items the petitioners deem appropriate.

53 7. Upon the filing of a petition pursuant to this section, the
54 governing body of any city, town, or village described in this section

55 may pass a resolution containing the following information:

56 (1) A description of the boundaries of the proposed district
57 and each subdistrict;

58 (2) The time and place of a hearing to be held to consider
59 establishment of the proposed district;

60 (3) The time frame and manner for the filing of protests;

61 (4) The proposed sales tax rate to be voted upon within the
62 subdistricts of the proposed district;

63 (5) The proposed uses for the revenue to be generated by
64 the new sales tax; and

65 (6) Such other matters as the governing body may deem
66 appropriate.

67 8. Prior to the governing body certifying the question of the
68 district's creation and imposing a sales tax for approval by the
69 qualified electors, a hearing shall be held as provided by this
70 subsection. The governing body of the municipality approving a
71 resolution as set forth in section 67.2520 shall:

72 (1) Publish notice of the hearing, which shall include the
73 information contained in the resolution cited in section 67.2520, on
74 two separate occasions in at least one newspaper of general
75 circulation in the county where the proposed district is located,
76 with the first publication to occur not more than thirty days before
77 the hearing, and the second publication to occur not more than
78 fifteen days or less than ten days before the hearing;

79 (2) Hear all protests and receive evidence for or against the
80 establishment of the proposed district; and

81 (3) Consider all protests, which determinations shall be
82 final.

83 The costs of printing and publication of the notice shall be paid by
84 the petitioners. If the district is organized pursuant to sections
85 67.2500 to 67.2530, the petitioners may be reimbursed for such
86 costs out of the revenues received by the district.

87 9. Following the hearing, the governing body of any city,
88 town, or village within which the proposed district will be located
89 may order an election on the questions of the district creation and
90 sales tax funding for voter approval and certify the questions to the

91 municipal clerk. The election order shall include the date on which
92 the ballots will be mailed to qualified electors, which shall be not
93 sooner than the eighth Tuesday from the issuance of the
94 order. The election regarding the incorporation of the district and
95 the imposing of the sales tax shall follow the procedure set forth in
96 section 67.2520, and shall be held pursuant to the order and
97 certification by the governing body. Only those subdistricts
98 approving the question of creating the district and imposing the
99 sales tax shall become part of the district.

100 10. If the results of the election conducted in accordance
101 with section 67.2520 show that a majority of the votes cast were in
102 favor of organizing the district and imposing the sales tax, the
103 governing body may establish the proposed district in those
104 subdistricts approving the question of creating the district and
105 imposing the sales tax by adopting an ordinance to that effect. The
106 ordinance establishing the district shall contain the following:

107 (1) The description of the boundaries of the district and
108 each subdistrict;

109 (2) A statement that a theater, cultural arts, and
110 entertainment district has been established;

111 (3) A declaration that the district is a political subdivision
112 of the state;

113 (4) The name of the district;

114 (5) The date on which the sales tax election in the
115 subdistricts was held, and the result of the election;

116 (6) The uses for any revenue generated by a sales tax
117 imposed pursuant to this section;

118 (7) A certification to the newly created district of the
119 election results, including the election concerning the sales tax; and

120 (8) Such other matters as the governing body deems
121 appropriate.

122 11. Any subdistrict that does not approve the creation of
123 the district and imposing the sales tax shall not be a part of the
124 district and the sales tax shall not be imposed until after the
125 district board of directors has submitted another proposal for the
126 inclusion of the area into the district and such proposal and the

127 sales tax proposal are approved by a majority of the qualified
128 voters in the subdistrict voting thereon. Such subsequent elections
129 shall be conducted in accordance with section 67.2520; provided,
130 however, that the district board of directors may place the question
131 of the inclusion of a subdistrict within a district and the question
132 of imposing a sales tax before the voters of a proposed subdistrict,
133 and the municipal clerk, or circuit clerk if the district is formed by
134 the circuit court, shall conduct the election. In subsequent
135 elections, the election judges shall certify the election results to the
136 district board of directors.]

67.2510. As a complete alternative to the procedure establishing a district
2 set forth in section 67.2505, **a theater, cultural arts, and entertainment**
3 **district may be established in the manner provided in section 67.2515**
4 **by a circuit court with jurisdiction over any county set forth in this section,**
5 **the governing body of any city, town, or village that has adopted**
6 **transect-based zoning under sections 89.010 to 89.140, RSMo, or the**
7 **governing body of any city, town, or village that is within:**

8 (1) A first class county with a charter form of government with a
9 population over two hundred fifty thousand that adjoins a first class county with
10 a charter form of government with a population over nine hundred thousand[, or
11 that is within];

12 (2) Any county with a charter form of government and with more than
13 two hundred fifty thousand but less than three hundred fifty thousand
14 inhabitants[, may establish a theater, cultural arts, and entertainment district
15 in the manner provided in section 67.2515];

16 (3) Any county of the first classification with more than
17 ninety-three thousand eight hundred but fewer than ninety-three
18 thousand nine hundred inhabitants;

19 (4) Any county of the first classification with more than one
20 hundred eighty-four thousand but fewer than one hundred eighty-eight
21 thousand inhabitants;

22 (5) Any county with a charter form of government and with more
23 than six hundred thousand but fewer than seven hundred thousand
24 inhabitants; or

25 (6) Any county of the first classification with more than one
26 hundred thirty-five thousand four hundred but fewer than one hundred

27 **thirty-five thousand five hundred inhabitants.**

67.2555. Any expenditure of more than [five] **twenty-five** thousand
2 dollars made by the county executive of a county with a charter form of
3 government and with more than six hundred thousand but fewer than seven
4 hundred thousand inhabitants must be competitively bid.

70.515. **Subject to the applicable provisions of section 70.545**, the
2 Regional Investment District Compact is hereby enacted into law and entered into
3 by the state of Missouri with the state of Kansas legally joining therein, in the
4 form substantially as follows:

5 [KANSAS AND MISSOURI] REGIONAL INVESTMENT DISTRICT COMPACT

6 I. AGREEMENT AND PLEDGE

7 The [states of Kansas and Missouri] **participants in this Compact**
8 agree to and pledge, each to the other, faithful cooperation in the support of
9 regional programs and initiatives to benefit and serve the Kansas City
10 metropolitan area, holding in high trust for the benefit of the people and of the
11 nation, the special blessings and natural advantages thereof.

12 II. POLICY AND PURPOSE

13 The [states of Kansas and Missouri desire, by common action,] **purpose**
14 **of this Compact is** to provide support for regional programs and initiatives that
15 will produce significant benefit to the Kansas City metropolitan area, with the
16 goal of making more efficient use of resources through inter-jurisdictional
17 cooperation on strategic regional programs and initiatives involving public
18 transit.

19 III. DEFINITIONS

20 A. "Commission" means the governing body of the [Kansas and Missouri]
21 Regional Investment District.

22 B. "District" means the [Kansas and Missouri] Regional Investment
23 District.

24 C. "[Kansas and Missouri] Regional Investment District" or "District"
25 means a political subdivision of the states [of Kansas and Missouri, which] **that**
26 **have adopted this Compact**, is created by this Compact and which is composed
27 of **Buchanan County and of** those Kansas and Missouri counties, cities and
28 other political subdivisions that are now or hereafter shall become parties to the
29 Articles of Agreement executed on January 1, 1972, and thereafter amended,
30 which geographic area covered by those political subdivisions is therein
31 designated as the Mid-America Regional Planning Area.

32 D. "Mid-America Regional Council or MARC" means the body corporate
33 and politic created by the Articles of Agreement, originally executed on January
34 1, 1972, and as thereafter amended, which therein assumed all the rights, duties
35 and obligations of the Mid-America Council of Governments and the Metropolitan
36 Planning Commission - Kansas City Region.

37 E. "Oversight Committee or Committee" means a body or bodies appointed
38 by the Commission for a Regional Program that shall be constituted as set forth
39 in Article IX of this Compact and that shall have the powers set forth in Article
40 X of this Compact.

41 F. "Program Plan" means a plan developed for a proposed ballot question
42 by the Commission, as required by Article VI, Section C of this Compact, that
43 describes a Regional Program and provides for the appropriation and use of
44 moneys derived from the sales tax authorized by this Compact in support of that
45 Regional Program.

46 G. "Public Transit System" or "Transit System" means, without limitation,
47 a regional system of public transit, consisting of property, structures,
48 improvements, vehicles, potentially including, but not limited to, vans, buses, bus
49 rapid transit, commuter rail, and other fixed guideways, equipment, software,
50 telecommunications networks, plants, parking or other facilities, transit centers,
51 stops, park-n-ride lots, transit related surface transportation improvements and
52 rights-of-way used or useful for the purposes of public transit, which provides
53 significant regional benefit, and the acquisition, construction, reconstruction,
54 repair, maintenance, administration and operations thereof and similar activities
55 related thereto, whether operated by one or multiple entities.

56 H. "Regional Program" means a program involving a Public Transit
57 System.

58 IV. DISTRICT

59 A. Upon this Compact being entered into law by the [Legislatures]
60 **Legislature** of the [respective states] **State of Missouri**, the Regional
61 Investment District is created and shall include Buchanan County, Missouri, and
62 all the geographic area within the jurisdictional limits of those [Kansas and]
63 Missouri counties that are parties to the Articles of Agreement executed on
64 January 1, 1972, and thereafter amended, which area is designated as the
65 Mid-America Regional Planning Area, and currently includes the following
66 counties:

67 Clay County, Missouri

[Wyandotte County, Kansas]

68 Platte County, Missouri [Johnson County, Kansas]
69 Jackson County, Missouri [Leavenworth County, Kansas]
70 Cass County, Missouri
71 Ray County, Missouri

72 B. In the event that the Legislature of the State of Kansas enacts
73 legislation adopting this Compact, the Regional Investment District
74 shall also include all the geographic area within the jurisdictional
75 limits of those Kansas counties that are parties to the Articles of
76 Agreement executed on January 1, 1972, and thereafter amended, which
77 area is designated as the Mid-America Regional Planning Area, and
78 currently includes the following counties:

79 Wyandotte County, Kansas
80 Johnson County, Kansas
81 Leavenworth County, Kansas

82 C. The District automatically shall be expanded to include Kansas and
83 Missouri cities, counties and other political subdivisions that hereafter shall
84 become parties to the Articles of Agreement executed on January 1, 1972, and
85 thereafter amended, upon the execution of the Articles of Agreement by the
86 governing body of such political subdivisions.

87 V. THE COMMISSION

88 A. The District shall be governed by the Commission, which shall be a
89 body corporate and politic and shall be composed of voting members of MARC, as
90 that Council is constituted from time to time and which is also known as the
91 Board of Directors and may include an elected chief official from Buchanan
92 County appointed by its chief official. All of the members of the Commission
93 shall be elected officials from the jurisdiction that appointed them as voting
94 members of MARC's Board of Directors; **provided that all members of the**
95 **Commission shall be from a jurisdiction in a state that has adopted the**
96 **Compact.**

97 B. The terms of the members of the Commission shall expire concurrently
98 with the member's tenure as an elected official of a jurisdiction that is a party to
99 MARC's Articles of Agreement. If a jurisdiction that is a party to MARC's
100 Articles of Agreement appoints a different member of its governing body to
101 MARC, that newly appointed individual shall assume the position of the member
102 replaced. Each member shall serve until that member's replacement has been
103 sworn in as an elected official.

104 C. The Commission shall begin functioning immediately upon creation of
105 the District, as provided for in Article IV, Section A hereof.

106 D. The Commission shall select annually, from its membership, a
107 chairperson, a vice chairperson, and a treasurer. The treasurer shall be bonded
108 in the amounts the Commission may require.

109 E. The Commission may appoint the officers, agents, and employees, as
110 it may require for the performance of the Commission's duties, and shall
111 determine the qualifications and duties and fix the compensation of those officers,
112 agents and employees.

113 F. The Commission shall fix the time and place at which its meetings
114 shall be held. Meetings shall be held within the District and shall be open to the
115 public. Public notice shall be given of all meetings of the Commission.

116 G. A majority of the Commissioners from each state **that has enacted**
117 **the Compact** shall constitute, in the aggregate, a quorum for the transaction of
118 business. No action of the Commission shall be binding unless taken at a
119 meeting at which at least a quorum is present, and unless a majority of the
120 Commissioners from each state, present at the meeting, shall vote in favor
121 thereof. No action of the Commission taken at a meeting thereof shall be binding
122 unless the subject of the action is included in a written agenda for the meeting,
123 the agenda and notice of meeting having been provided to each Commissioner at
124 least seven calendar days prior to the meeting.

125 H. The Commissioners from each state shall each be subject to the
126 provisions of the laws of either the State of Kansas or the State of Missouri
127 (depending upon the Commissioner's state of residence) relating to conflicts of
128 interest of public officers and employees. If any Commissioner has a direct or
129 indirect financial interest in any facility, service provider, organization or activity
130 supported by the District or Commission or in any other business transaction of
131 the District or Commission, the Commissioner shall disclose that interest in
132 writing to the other Commissioners and shall abstain from voting on any matter
133 in relation to that facility, organization or activity or to that business transaction.

134 I. If any action at law or equity, or other legal proceeding, shall be
135 brought against any Commissioner for any act or omission arising out of the
136 performance of their duties as a Commissioner, the Commissioner shall be
137 indemnified in whole and held harmless by the Commission for any judgment or
138 decree entered against the Commissioner and, further, shall be defended at the
139 cost and expense of the Commission in any resulting proceeding.

140 J. Each member of the Commission shall serve as a member of the
141 Commission without compensation for that service, except for payment of their
142 actual and reasonably necessary expenses, as provided by Article VIII, Section A,
143 1.

144 VI. POWERS AND DUTIES OF THE COMMISSION

145 A. The Commission, formally the governing body of the District, shall
146 primarily function as the planning and administrative arm for the District. The
147 Commission shall: undertake community planning to identify regional programs
148 and initiatives that will produce significant benefit to the Kansas City
149 metropolitan area; fully develop the specifics regarding existing regional
150 programs and initiatives and those newly identified regional programs and
151 initiatives; prepare a Program Plan for regional programs and initiatives in
152 consultation with local officials and the public; prepare ballot questions for
153 programs and initiatives that the Commission determines could appropriately be
154 supported by the sales tax authorized by this Compact; and assist an appointed
155 Oversight Committee when requested by the Oversight Committee in the
156 implementation of any Regional Program approved by District qualified electors
157 in accordance with the terms of this Compact.

158 B. The Commission shall adopt a seal and suitable bylaws governing its
159 management, procedure and effective operation.

160 C. The Commission shall develop a Program Plan for a Regional Program
161 that it determines could appropriately be supported by the sales tax authorized
162 by the Compact, which Program Plan shall generally describe the Regional
163 Program and provide for the appropriation and use of moneys in support of that
164 Regional Program only for the Eligible Uses set forth in Article VIII of this
165 Compact. A Program Plan shall also designate:

166 1. the counties or county in which a majority of the qualified electors
167 voting on the ballot question must cast an affirmative vote before the sales tax
168 may be imposed by any individual county for uses in accordance with the
169 Program Plan;

170 2. the duration of the sales tax imposed in support of the Regional
171 Program, which may be described in terms of the number of years the tax shall
172 be imposed, a maximum number of dollars that may be raised by the sales tax
173 imposed or any other reasonable means of establishing the duration of the sales
174 tax; provided that the sales tax shall not extend beyond the fifteen (15) years
175 following the date of the first receipt by the county treasurer of revenue from the

176 sales tax imposed to support the Regional Program unless renewed by the
177 qualified electors of that county prior to its expiration; and

178 3. the composition of the Oversight Committee to be appointed by the
179 Commission for that Regional Program, which composition shall be consistent
180 with Article IX, Section A of this Compact.

181 D. The Commission, subject to the requirements of Article VII, Section C,
182 shall set the date or dates by which the election shall be held pursuant to this
183 Compact and shall recommend those counties or county which shall hold a vote
184 on the ballot question prepared by the Commission for that Regional Program.

185 E. For each election to be held pursuant to this Compact, the Commission
186 shall prepare and submit a ballot question to the governing body of each county
187 within the District. Each such question shall be in the form set forth in Article
188 VII, Section D of this Compact.

189 F. The Commission may prepare additional ballot language generally
190 describing a Regional Program and the use and allocation of the sales tax
191 proposed to be imposed for the support of a Regional Program, and shall submit
192 that additional language to each county within the District. If additional ballot
193 language is so submitted by the Commission, and a county governing body decides
194 to place the ballot question before the qualified electors of that county, the
195 additional ballot language shall be placed on the subject ballot by that governing
196 body.

197 G. When a majority of the qualified electors in the county or counties
198 designated in the Program Plan for that Regional Program as one of those
199 counties that must cast an affirmative vote on the ballot question before the sales
200 tax may be imposed, have cast an affirmative vote, the Commission shall, in
201 accordance with Article IX, Section A of this Compact, appoint an Oversight
202 Committee for that Program Plan.

203 H. The Commission shall have the power to contract and to be contracted
204 with and to sue and to be sued.

205 I. The Commission, when it deems it necessary and when requested to do
206 so by an Oversight Committee, shall interpret and/or provide guidance and
207 further details on a Program Plan to assist in the oversight of the appropriation
208 and use of moneys by the Oversight Committee for that Program Plan.

209 J. In accordance with written guidelines adopted by the Commission,
210 which guidelines shall be consistent with the Program Plans required by Article
211 VI, Section C, the Commission may receive or provide donations, contributions,

212 and grants or other support, financial or otherwise, from public or private
213 entities, for Program Plans and the Eligible Uses set forth in Article VIII of this
214 Compact.

215 K. The Commission shall execute those contracts and agreements as an
216 Oversight Committee shall direct to implement the Program Plan developed for
217 an approved Regional Program, provided that, the Commission determines each
218 contract is consistent with the Program Plan.

219 L. The Commission may appoint advisory committees to provide input,
220 consultation, guidance and assistance to the Commission on matters and issues
221 related to any purposes for which the District and the Commission are hereby
222 created.

223 M. The Commission may form whatever partnerships, associations, joint
224 ventures or other affiliations, formal or otherwise, as it deems appropriate and
225 that are in furtherance of the purposes for which the District and the Commission
226 are created.

227 N. The Commission may utilize assistance from any governmental or
228 non-governmental entity, as it shall determine appropriate, in the form of
229 personnel, technical expertise or other resources, to further the policies, purposes
230 and goals of the District, as stated in Article II of this Compact.

231 O. The Commission shall cause to be prepared annually a report on the
232 operations and transactions conducted by the Commission during the preceding
233 year. The report shall be an open record submitted to the legislatures and
234 governors of the compacting states and to the governing bodies of the jurisdictions
235 that are then a party to MARC's Articles of Agreement and of Buchanan County,
236 Missouri, on or before March 15th of each calendar year, commencing on March
237 15th of the year following the year in which the certification described in Article
238 IV, Section B hereof occurs. The Commission shall take those actions as are
239 reasonably required to make this report readily available to the public.

240 P. The Commission shall have the power to apply to the Congress of the
241 United States for its consent and approval of this Compact, if it is determined by
242 the Commission that this consent is appropriate. In the absence of the consent
243 of the Congress and until consent is secured, if that consent is determined
244 appropriate, this Compact is binding upon [the states of Missouri and Kansas]
245 **any state that has enacted it** in all respects permitted by **that state's** law [of
246 the two states].

247 Q. The Commission shall have the power to perform all other necessary

248 and incidental functions and duties and to exercise all other necessary and
249 appropriate powers, not inconsistent with other provisions of this Compact or the
250 constitution or laws of the United States or of [either of] the **state or** states [of
251 Kansas or Missouri] **in which its members are located**, that it deems
252 appropriate to effectuate the purposes for which this District and the Commission
253 are created.

254 VII. BALLOT QUESTIONS

255 A. The Commission, as required by Article VI, Section C, shall develop
256 Program Plans for Regional Programs to be submitted to the qualified electors
257 within the District. A Program Plan developed by the Commission shall be
258 available to the public for review and comment in advance of dates set by the
259 Commission for submission of a ballot question to the electors in the District.

260 B. The governing body of each county in the District shall determine
261 whether the provision of financial support for a Regional Program is in the best
262 interests of the citizens of the county and whether the levy of a sales tax to
263 provide, on a cooperative basis with another county or other counties, for
264 financial support of the Regional Program would be economically practicable and
265 cost beneficial to the citizens of the county and the District. Each governing body
266 that makes an affirmative determination with respect hereto shall adopt a
267 resolution evidencing that determination and authorizing a vote of its citizens on
268 the ballot question for the Regional Program, by a two-thirds (2/3) majority vote
269 of the members elect of the governing body.

270 C. Upon adoption of a resolution pursuant to Section B of this Article, the
271 governing body of that county, promptly after adoption of the resolution, shall
272 request the county election commissioner to submit the ballot question for that
273 Regional Program to the qualified electors of that county. Each such ballot
274 question shall be printed on the ballot and in the notice of election. Each ballot
275 question shall be submitted to the qualified electors of that county at the primary
276 or general election next following the date the request was filed with the county
277 election officer.

278 D. The ballot for the proposition in each county shall be in substantially
279 the following form:

280 Shall a sales tax (insert amount, not to exceed one-half cent)
281 be levied and collected in County for the support of a
282 Regional Program that will produce significant benefit within the [Kansas and
283 Missouri] Regional Investment District, with such tax to extend no longer than

284 (insert years not to exceed fifteen) years following the first receipt by
285 the county treasurer of revenue from such tax?

286 YES NO

287 E. The governing body of each of the counties that requested their county
288 election commissioner submit the ballot question to its qualified electors also
289 shall provide their respective county election officers with copies of any additional
290 language prepared by the Commission, pursuant to Article VI, Section F, which
291 additional language shall be included by each such county on the ballot.

292 F. The question of whether a sales tax for the support of a Regional
293 Program involving a Public Transit System shall be imposed shall be submitted
294 to qualified electors at the first election to be held on Regional Programs,
295 pursuant to this Compact.

296 G. The governing body of any county in the District that does not pass the
297 resolution contemplated by Section B of this Article in time to cause the
298 placement of the ballot question before the qualified electors of that county at the
299 first election or any subsequent election to be held on Regional Programs,
300 pursuant to this Compact, may adopt that resolution at any time thereafter, and
301 that ballot question shall be provided to the election commissioner of that county
302 and submitted to the qualified electors of the county at the next primary or
303 general election, in accordance with Section C of this Article.

304 H. In each county where a majority of the qualified electors voting in an
305 election shall have cast an affirmative vote on a ballot question, that ballot
306 question shall be approved.

307 I. If a ballot question is submitted to the qualified electors of a county in
308 the District, and the ballot question is not approved in that county, following
309 defeat of the ballot question, the governing body of that county or counties may
310 renew procedures to levy the sales tax in support of that Regional Program. A
311 defeat of a ballot question in any county shall not affect the approval of that
312 ballot question in any other county, which approval shall continue to have effect.

313 J. No county in the District shall levy a sales tax specified herein until
314 the qualified electors in all the counties designated by the Commission in the
315 Program Plan for the subject Regional Program, as those that must approve the
316 sales tax, have approved the levy of the sales tax to support the Program Plan for
317 that Regional Program.

318 K. [With respect to the first election to be held on Regional Programs
319 pursuant to this Compact, no sales tax shall be levied by any county which has

320 adopted the resolution contemplated by Section B and has submitted the ballot
321 question to the qualified voters of that county pursuant to Section C of this
322 Article, unless and until a majority of the qualified electors of at least Johnson
323 and Wyandotte Counties, Kansas, and Jackson County, Missouri, has approved
324 the levy of a sales tax for the Regional Program involving a Public Transit
325 System.

326 L.] When, but only when, the electors in all of the counties designated by
327 the Commission in the Program Plan for the Regional Program, as those that
328 must approve the sales tax, have approved that ballot question, the governing
329 body of each county that has approved that ballot question, at the first available
330 opportunity, shall take all required actions to begin levying this tax.

331 [M.] L. Any of the counties that have elected by a vote of its electors to
332 levy a sales tax authorized by this Compact may cease to levy this sales tax upon
333 the majority vote of the qualified electors of the county on a ballot question
334 submitted to qualified electors asking if that county should cease to levy this
335 sales tax. This vote shall take place in the same manner provided in this section
336 for levying this sales tax; provided that, no vote to cease to levy this sales tax
337 shall take place in any county on a date earlier than a date that is five years from
338 the date that county approved this sales tax. Provided further, in no event shall
339 any county cease to levy this sales tax until that county has entered into a
340 written agreement with the Commission, which agreement shall provide for the
341 terms of cessation, and shall specifically provide: (1) a means to ensure that the
342 county pays a fair share of the outstanding obligations incurred by the District
343 in furtherance of its established purposes; and (2) for the ongoing operations and
344 maintenance or the termination of any facilities or services established in the
345 county with support provided by the Commission. The governing body of a county
346 that has decided by this vote to cease to levy this sales tax shall send formal
347 written notice thereof to each of the other counties comprising the District. In no
348 event, shall the county cease to levy the sales tax earlier than ninety days after
349 this notice has been sent. If any county in the District decides to cease levying
350 the sales tax, the status of the District as a political subdivision of the states of
351 Kansas and Missouri shall be unaltered and that county shall continue to have
352 the representation on the Commission, as set forth in Article V of this Compact.

353 VIII. ELIGIBLE USES OF FUNDS

354 A. The Commission shall only budget and authorize the appropriation of
355 monies for the following eligible purposes:

356 1. the actual and reasonably necessary expenses of the Commission and
357 Oversight Committee, including, but not limited to, staff personnel, auditors,
358 budget and financial consultation, legal assistance, administrative, operational,
359 planning and engineering consultation and marketing, as well as for the actual
360 and reasonably necessary expenses of individual Commission and Committee
361 members that are incurred in the performance of their official duties; provided
362 that, the Commission, in each fiscal year, shall not appropriate, for this purpose,
363 any monies in excess of an amount that is equal to one percent of the funds
364 appropriated to the Commission in that fiscal year by all of the counties imposing
365 this sales tax; and

366 2. the support of voter approved Regional Programs within the District;

367 3. only pursuant to a contract with bodies corporate and politic, political
368 subdivisions of the states of Missouri or Kansas and/or local units of government
369 in the states of Missouri or Kansas, provided, however, the Commission may, in
370 its discretion, require that entities contracted with shall procure a set percentage
371 of Public Transit System services from third party contractors on a competitive
372 basis; and

373 4. only in support of a Regional Program in counties that have voted
374 affirmatively to impose a sales tax in support of that Regional Program.

375 B. The aggregate amount of sales taxes imposed by any county within the
376 District, pursuant to the authority granted in this Compact, shall not exceed
377 one-half cent.

378 IX. THE OVERSIGHT COMMITTEE

379 A. An Oversight Committee shall be appointed by the Commission for a
380 Regional Program, as provided for in Article VI, Section G hereof. An Oversight
381 Committee shall be composed of elected officials of jurisdictions that are within
382 a county where a majority of the qualified electors voting on the ballot question
383 have cast an affirmative vote on the imposition of a sales tax to support the
384 subject Regional Program. An Oversight Committee shall be composed of the
385 elected officials designated in the Program Plan for the Regional Program. An
386 Oversight Committee shall include a minimum of one elected representative from
387 each county that approves that ballot question and elected representatives from
388 both cities and counties and each representative shall be approved by the chief
389 elected official of the county or city from which they are elected. If the Program
390 Plan describes a Regional Program that serves both Missouri and Kansas, the
391 Oversight Committee shall be composed of an equal number of elected

392 representatives from each state. In such instances, no action of the Commission
393 shall be binding unless taken at a meeting at which at least a quorum is present,
394 and unless a majority of the Commissioners from each state, present at the
395 meeting, shall vote in favor thereof. The number of individuals comprising the
396 Oversight Committee shall be in the sole discretion of the Commission.

397 B. An Oversight Committee shall be appointed within forty-five days of
398 certification that the ballot question has been approved by the last of the counties
399 designated by the Commission in the Program Plan for the Regional Plan,
400 pursuant to Article VI, Section C, 1 hereof, to so certify and shall begin
401 functioning immediately upon its appointment by the Commission. If, pursuant
402 to Article VII, Section K, additional counties within the District shall approve the
403 ballot question, the Commission shall appoint a minimum of one additional
404 representative from each such county to the Oversight Committee.

405 C. An appointed Oversight Committee shall fix the time and place at
406 which its meetings shall be held. Meetings shall be held at a location in a county
407 that has approved the imposition of the sales tax to support the Program Plan for
408 the subject Regional Program and shall be open to the public. Public notice shall
409 be given of all meetings of the Committee.

410 D. The Committee members shall each be subject to the provisions of the
411 laws of either the State of Kansas or the State of Missouri (depending upon the
412 Committee member's state of residence) that relate to conflicts of interest of
413 public officers and employees. If any Committee member has a direct or indirect
414 financial interest in any facility, service provider, organization or activity
415 supported by the District or Commission or in any other business transaction of
416 the District or Commission, the Committee member shall disclose that interest
417 in writing to the members of the Commission and to the other members of the
418 Committee and shall abstain from voting on any matter in relation to that
419 facility, organization or activity or to that business transaction with respect to
420 which that Committee member has the interest.

421 E. If any action at law or equity, or other legal proceeding, shall be
422 brought against any Committee member for any act or omission arising out of the
423 performance of duties as a Committee member, the Committee member shall be
424 indemnified in whole and held harmless by the Commission for any judgment or
425 decree entered against the Committee member and, further, shall be defended at
426 the cost and expense of the Commission in any resulting proceeding.

427 F. The Oversight Committee for a Regional Program shall terminate on

428 the date when all of the moneys derived from the sales tax imposed by any or all
429 counties in the District to support the Program Plan for that Regional Program
430 and which have been credited to the Regional Investment Fund have been
431 expended.

432 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

433 A. The Oversight Committee for an approved Regional Program is charged
434 with the oversight of the appropriation and use of moneys generated from the
435 sales taxes and credited to the Regional Investment Fund. These moneys shall
436 be appropriated only for the Eligible Uses set forth in Article VIII of this
437 Compact.

438 B. An Oversight Committee shall only provide support for and allocate
439 and appropriate monies for programs, services and facilities that are consistent
440 with the voter approved Program Plan developed by the Commission and only for
441 programs, services and facilities in counties that have approved the imposition
442 of a sales tax in support of the Regional Program. If the Committee is uncertain
443 or has any question about whether a specific appropriation of moneys or support
444 activity is consistent with the Program Plan developed by the Commission, it
445 shall seek a determination on that question from the Commission.

446 C. An Oversight Committee, as appropriate, shall direct that the
447 Commission execute those contracts and agreements necessary or desirable to
448 implement the Program Plan developed by the Commission.

449 D. An Oversight Committee shall adopt suitable bylaws governing its
450 management, procedure and its effective operations.

451 E. An Oversight Committee shall provide the information that the
452 Commission shall require to allow the Commission to prepare annually a report
453 on the operations and transactions conducted by the Commission during the
454 preceding year relating to the approved Regional Programs. This information
455 shall include an annual financial statement prepared in accordance with General
456 Accepted Accounting Principles (GAAP). The Oversight Committee for a Public
457 Transit Service Regional Program shall also provide a report on operational
458 statistics, including statistics on the ridership of the Public Transit System
459 funded with sales tax revenues resulting from the authority granted by this
460 Compact, comparing ridership in the then current fiscal year to ridership in the
461 three fiscal years next preceding.

462 XI. FINANCE

463 A. The moneys necessary to finance the operation of the District,

464 implement the voter approved Program Plans and execute the powers, duties and
465 responsibilities of the Commission shall be appropriated to the Commission by
466 the counties comprising the District, which, in accordance with Article VII,
467 Section J of the Compact, have approved the ballot question for the subject
468 Regional Program. The moneys to be appropriated to the Commission, in addition
469 to the sales tax authorized by this Compact, may be raised by the governing
470 bodies of the respective counties by the levy of taxes, fees, charges or any other
471 revenue, as authorized by those counties or cities in those counties or by the
472 legislatures of the respective party states, provided nothing herein shall require
473 either state to make appropriations for any purpose.

474 B. Neither the Commission nor any Oversight Committee shall incur any
475 indebtedness of any kind; nor shall they pledge the credit of MARC or any
476 jurisdiction that is party to MARC's Articles of Agreement or either of the states
477 party to this Compact, except as specifically authorized by this Compact. The
478 budget of the District shall be prepared, adopted and published, as provided by
479 law, for other political subdivisions of the party states.

480 C. The Commission and an Oversight Committee shall keep accurate
481 accounts of all receipts and disbursements. The receipts and disbursements of
482 the Commission shall be audited yearly by a certified or licensed public
483 accountant and the report of the audit shall be included in and become a part of
484 the annual report of the Commission.

485 D. The accounts of the Commission shall be open at any reasonable time
486 for inspection by duly authorized representatives of [the compacting states] **a**
487 **state that has enacted this Compact**, the counties comprising the District,
488 and other persons authorized by the Commission.

489 XII. ENTRY INTO FORCE

490 A. This Compact shall enter into force and become effective and binding
491 upon the states of Kansas and Missouri when it has been entered into law by the
492 legislatures of the respective states.

493 B. Amendments to the Compact shall become effective upon enactment by
494 the legislatures of the respective states.

495 XIII. TERMINATION

496 A. The Compact shall continue in force and remain binding upon a party
497 state until its legislature shall have enacted a statute repealing the same and
498 providing for the sending of formal written notice of enactment of that statute to
499 the legislature of the other party state. Upon enactment of that statute by the

500 legislature of either party state, the sending of notice thereof to the other party
501 and payment of any obligations that the Commission may have incurred prior to
502 the effective date of that statute, the agreement of the party states embodied in
503 the Compact shall be deemed fully executed, the Compact shall be null and void
504 and of no further force or effect, the District shall be dissolved, and the
505 Commission shall be abolished. If any monies remain in the Regional Investment
506 Fund upon dissolution of this Compact, the Commission may distribute these
507 monies to an entity or organization selected by the Commission to be used to
508 support purposes for which the District is hereby created, as stated in Article II
509 of this Compact.

510 XIV. CONSTRUCTION AND SEVERABILITY

511 A. The provisions of this Compact shall be liberally construed and shall
512 be severable. If any phrase, clause, sentence or provision of this Compact is
513 declared to be contrary to the constitutions of either [of the party states] **a state**
514 **that has enacted this Compact** or of the United States or **if** the applicability
515 thereof to any government, agency, person or circumstance is held invalid, the
516 validity of the remainder of this Compact and the applicability thereof to any
517 government, agency, person or circumstance shall not be affected thereby. If this
518 Compact shall be held contrary to the constitution of either party state hereto,
519 the Compact shall thereby be nullified and voided and of no further force or
520 effect.

70.545. If the state of Kansas has not [authorized the compact as outlined
2 in section 70.515] **enacted the Compact** by [July 1] **August 28, 2007, then**
3 **the district described in section 70.515 shall nonetheless be created,**
4 **and the district,** any Missouri county in the district [and], the [district,]
5 Commission, and an oversight committee shall have all the powers and duties
6 and may operate as set forth in sections 70.515 to 70.545, **provided that:**

7 **1. The Regional Investment District created in section 70.515**
8 **shall be known as the "Missouri Regional Investment District", shall be**
9 **a political subdivision solely of the state of Missouri, and shall consist**
10 **only of those Missouri counties that are within the Mid-America**
11 **Regional Planning Area and Buchanan County. All references to a**
12 **"Regional Investment District" or "District" in section 70.515 shall be**
13 **deemed to refer exclusively to the "Missouri Regional Investment**
14 **District".**

15 **2. Article XII of the Compact shall be inapplicable.**

71.011. 1. Except as provided in subsection 2 of this section, property of
2 a municipality which abuts another municipality may be concurrently detached
3 from one municipality and annexed by the other municipality by the enactment
4 by the governing bodies of each municipality of an ordinance describing by metes
5 and bounds the property, declaring the property so described to be concurrently
6 detached and annexed, and stating the reasons for and the purposes to be
7 accomplished by the detachment and annexation. One certified copy of each
8 ordinance shall be filed with the county clerk, **with the county assessor**, with
9 the county recorder of deeds, and with the clerk of the circuit court of the county
10 in which the property is located, whereupon the concurrent detachment and
11 annexation shall be complete and final. Thereafter all courts of this state shall
12 take notice of the limits of both municipalities as changed by the ordinances. No
13 declaratory judgment or election shall be required for any concurrent detachment
14 and annexation permitted by this section if there are no residents living in the
15 area or if there are residents in the area and they be notified of the annexation
16 and do not object within sixty days.

17 2. In a county of the first classification with a charter form of government
18 containing all or a portion of a city with a population of at least three hundred
19 thousand inhabitants, unimproved property of a municipality which overlaps
20 another municipality may be concurrently detached from one municipality and
21 annexed by the other municipality by the enactment by the governing body of the
22 receiving municipality of an ordinance describing by metes and bounds the
23 property, declaring the property so described to be detached and annexed, and
24 stating the reasons for and the purposes to be accomplished by the detachment
25 and annexation. A copy of said ordinance shall be mailed to the city clerk of the
26 contributing municipality, which shall have thirty days from receipt of said notice
27 to pass an ordinance disapproving the change of boundary. If such ordinance is
28 not passed within thirty days, the change shall be effective and one certified copy
29 of the ordinance shall be filed with the county clerk, **with the county assessor**,
30 with the county recorder of deeds, and with the clerk of the circuit court of the
31 county in which the property is located, whereupon the concurrent detachment
32 and annexation shall be complete and final. Thereafter all courts of this state
33 shall take notice of the limits of both municipalities as changed by the
34 ordinances. No declaratory judgment or election shall be required for any
35 concurrent detachment and annexation permitted by this section if the
36 landowners in the area are notified and do not object within sixty days.

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860
2 to 71.920, the governing body of any city, town or village may annex
3 unincorporated areas which are contiguous and compact to the existing corporate
4 limits of the city, town or village pursuant to this section. The term "contiguous
5 and compact" does not include a situation whereby the unincorporated area
6 proposed to be annexed is contiguous to the annexing city, town or village only
7 by a railroad line, trail, pipeline or other strip of real property less than
8 one-quarter mile in width within the city, town or village so that the boundaries
9 of the city, town or village after annexation would leave unincorporated areas
10 between the annexed area and the prior boundaries of the city, town or village
11 connected only by such railroad line, trail, pipeline or other such strip of real
12 property. The term "contiguous and compact" does not prohibit voluntary
13 annexations pursuant to this section merely because such voluntary annexation
14 would create an island of unincorporated area within the city, town or village, so
15 long as the owners of the unincorporated island were also given the opportunity
16 to voluntarily annex into the city, town or village. Notwithstanding the
17 provisions of this section, the governing body of any city, town or village in any
18 county of the third classification which borders a county of the fourth
19 classification, a county of the second classification and Mississippi River may
20 annex areas along a road or highway up to two miles from existing boundaries of
21 the city, town or village or the governing body in any city, town or village in any
22 county of the third classification without a township form of government with a
23 population of at least twenty-four thousand inhabitants but not more than thirty
24 thousand inhabitants and such county contains a state correctional center may
25 voluntarily annex such correctional center pursuant to the provisions of this
26 section if the correctional center is along a road or highway within two miles from
27 the existing boundaries of the city, town or village.

28 2. (1) When a verified petition, requesting annexation and signed by the
29 owners of all fee interests of record in all tracts of real property located within
30 the area proposed to be annexed, or a request for annexation signed under the
31 authority of the governing body of any common interest community and approved
32 by a majority vote of unit owners located within the area proposed to be annexed
33 is presented to the governing body of the city, town or village, the governing body
34 shall hold a public hearing concerning the matter not less than fourteen nor more
35 than sixty days after the petition is received, and the hearing shall be held not
36 less than seven days after notice of the hearing is published in a newspaper of

37 general circulation qualified to publish legal matters and located within the
38 boundary of the petitioned city, town or village. If no such newspaper exists
39 within the boundary of such city, town or village, then the notice shall be
40 published in the qualified newspaper nearest the petitioned city, town or
41 village. For the purposes of this subdivision, the term "common-interest
42 community" shall mean a condominium as said term is used in chapter 448,
43 RSMo, or a common-interest community, a cooperative, or a planned community.

44 (a) A "common-interest community" shall be defined as real property with
45 respect to which a person, by virtue of such person's ownership of a unit, is
46 obliged to pay for real property taxes, insurance premiums, maintenance or
47 improvement of other real property described in a declaration. "Ownership of a
48 unit" does not include a leasehold interest of less than twenty years in a unit,
49 including renewal options;

50 (b) A "cooperative" shall be defined as a common-interest community in
51 which the real property is owned by an association, each of whose members is
52 entitled by virtue of such member's ownership interest in the association to
53 exclusive possession of a unit;

54 (c) A "planned community" a common-interest community that is not a
55 condominium or a cooperative. A condominium or cooperative may be part of a
56 planned community.

57 (2) At the public hearing any interested person, corporation or political
58 subdivision may present evidence regarding the proposed annexation. If, after
59 holding the hearing, the governing body of the city, town or village determines
60 that the annexation is reasonable and necessary to the proper development of the
61 city, town or village, and the city, town or village has the ability to furnish
62 normal municipal services to the area to be annexed within a reasonable time, it
63 may, subject to the provisions of subdivision (3) of this subsection, annex the
64 territory by ordinance without further action.

65 (3) If a written objection to the proposed annexation is filed with the
66 governing body of the city, town or village not later than fourteen days after the
67 public hearing by at least five percent of the qualified voters of the city, town or
68 village, or two qualified voters of the area sought to be annexed if the same
69 contains two qualified voters, the provisions of sections 71.015 and 71.860 to
70 71.920, shall be followed.

71 3. If no objection is filed, the city, town or village shall extend its limits
72 by ordinance to include such territory, specifying with accuracy the new boundary

73 lines to which the city's, town's or village's limits are extended. Upon duly
74 enacting such annexation ordinance, the city, town or village shall cause three
75 certified copies of the same to be filed with the **county assessor and the clerk**
76 of the county wherein the city, town or village is located, and one certified copy
77 to be filed with the election authority, if different from the clerk of the county
78 which has jurisdiction over the area being annexed, whereupon the annexation
79 shall be complete and final and thereafter all courts of this state shall take
80 judicial notice of the limits of that city, town or village as so extended.

72.080. 1. Any unincorporated city, town or other area of the state may,
2 except as otherwise provided in sections 72.400 to 72.420, become a city of the
3 class to which its population would entitle it pursuant to this chapter, and be
4 incorporated pursuant to the law for the government of cities of that class, in the
5 following manner: whenever a number of voters equal to fifteen percent of the
6 votes cast in the last gubernatorial election in the area proposed to be
7 incorporated shall present a petition to the governing body of the county in which
8 such city or town or area is situated, such petition shall describe, by metes and
9 bounds, the area to be incorporated and be accompanied by a plat thereof, shall
10 state the approximate population and the assessed valuation of all real and
11 personal property in the area and shall state facts showing that the proposed city
12 shall have the ability to furnish normal municipal services within a reasonable
13 time after its incorporation is to become effective and praying that the question
14 be submitted to determine if it may be incorporated. **The petition shall also**
15 **include the names and mailing addresses of all property owners within**
16 **the unincorporated area, and shall be accompanied by funds sufficient**
17 **to pay for the cost of providing notice of such incorporation and the**
18 **public hearing as provided in this subsection.** If the governing body shall
19 be satisfied that a number of voters equal to fifteen percent of the votes cast in
20 the last gubernatorial election in the area proposed to be incorporated have
21 signed such petition, the governing body shall **hold a public hearing for the**
22 **purpose of obtaining the opinion and suggestions of those persons**
23 **owning property in such unincorporated area. Notice of the proposed**
24 **incorporation and the date of the hearing shall be provided to such**
25 **property owners by United States mail at least thirty days before such**
26 **hearing. After the hearing is held, if the governing body determines**
27 **that the incorporation is in the best interest of the unincorporated**
28 **area, the governing body may submit the question to the voters.**

29 2. The county may make changes in the petition to correct technical errors
30 or to redefine the metes and bounds of the area to be incorporated to reflect other
31 boundary changes occurring within six months prior to the time of filing the
32 petition. Petitions submitted by proposing agents may be submitted with
33 exclusions for the signatures collected in areas originally included in the proposal
34 but subsequently annexed or incorporated separately as a city, town or village,
35 although the governing body shall be satisfied as to the sufficiency of the
36 signatures for the final proposed area. If a majority of the voters voting on the
37 question vote for incorporation, the governing body shall declare such city, town
38 or other area incorporated, designating in such order the metes and bounds
39 thereof, and thenceforth the inhabitants within such bounds shall be a body
40 politic and incorporate, by the name and style of "the city of", or "the town
41 of", and the first officers of such city or town shall be designated by the
42 order of the governing body, who shall hold their offices until the next municipal
43 election and until their successors shall be duly elected and qualified. The county
44 shall pay the costs of the election.

45 3. In any county with a charter form of government where fifty or more
46 cities, towns and villages have been incorporated, an unincorporated city, town
47 or other area of the state shall not be incorporated except as provided in sections
48 72.400 to 72.420.

49 4. Any unincorporated area with a private eighteen hole golf course
50 community and with at least a one hundred acre lake located within any county
51 of the first classification with more than eighty-two thousand but less than
52 eighty-two thousand one hundred inhabitants may incorporate as a city of the
53 class to which its population would entitle it pursuant to this chapter
54 notwithstanding any proposed annexation of the unincorporated area by any city
55 of the third or fourth classification or any home rule city with more than four
56 hundred thousand inhabitants and located in more than one county. If any city
57 of the third or fourth classification or any home rule city with more than four
58 hundred thousand inhabitants and located in more than one county proposes
59 annexation by ordinance or resolution of any unincorporated area as defined in
60 this subsection, no such annexation shall become effective until and only after a
61 majority of the qualified voters in the unincorporated area proposed to be
62 incorporated fail to approve or oppose the proposed incorporation by a majority
63 vote in the election described in subsection 2 of this section.

64 5. Prior to the election described in subsection 2 of this section, if the

65 owner or owners of either the majority of the commercial or the majority of the
66 agricultural classification of real property in the proposed area to be incorporated
67 object to such incorporation, such owner or owners may file an action in the
68 circuit court of the county in which such unincorporated area is situated,
69 pursuant to chapter 527, RSMo, praying for a declaratory judgment requesting
70 that such incorporation be declared unreasonable by the court. As used in this
71 subsection, a "majority of the commercial or agricultural classification" means a
72 majority as determined by the assessed valuation of the tracts of real property in
73 either classification to be determined by the assessments made according to
74 chapter 137, RSMo. The petition in such action shall state facts showing that
75 such incorporation including the real property owned by the petitioners is not
76 reasonable based on the same criteria as specified in subsection 3 of section
77 72.403 and is not necessary to the proper development of the city or town. If the
78 circuit court finds that such inclusion is not reasonable and necessary, it may
79 enjoin the incorporation or require the petition requesting the incorporation to be
80 resubmitted excluding all or part of the property of the petitioners from the
81 proposed incorporation.

78.610. The city manager [must be a resident of the city at the time of his
2 appointment and] shall devote his **or her** entire time to the duties of his **or her**
3 office. He shall be the administrative head of the government subject to the
4 direction and supervision of the council and shall hold his office at the pleasure
5 of the council, or may be employed for a term not to exceed one year. He shall
6 receive an adequate salary to be fixed by the council which shall not be
7 diminished during the service of any incumbent without his consent. **The**
8 **council shall have the discretion to require the city manager to reside**
9 **in the city as a condition of employment.** Before entering upon the duties
10 of his **or her** office the city manager shall take the official oath required by law
11 and shall execute a bond in favor of the city for the faithful performance of his **or**
12 **her** duties and such sum shall be determined by the city council. It shall be his
13 **or her** duty:

14 (1) To make all appointments to offices and positions provided for in
15 section 78.600;

16 (2) To see that the laws and ordinances are enforced;

17 (3) To exercise control of all departments and divisions that may hereafter
18 be created by the council;

19 (4) To see that all terms and conditions imposed in favor of the city or its

20 inhabitants in any public utility franchises are faithfully kept and performed, and
21 upon information of any violation thereof to take such steps as will be necessary
22 to stop or prevent the further violation of the same;

23 (5) To attend all meetings of the council with the privilege of taking part
24 in the discussions but having no vote;

25 (6) To recommend to the council for adoption such measures as he **or she**
26 may deem necessary or expedient;

27 (7) To prepare and submit the annual budget and to keep the city council
28 fully advised as to the financial conditions and needs of the city and to perform
29 such other duties as may be prescribed by these sections or be required of him **or**
30 **her** by any ordinance or resolution of the council.

79.050. 1. The following officers shall be elected by the qualified voters
2 of the city, and shall hold office for the term of two years, except as otherwise
3 provided in this section, and until their successors are elected and qualified, to
4 wit: mayor and board of aldermen. The board of aldermen may provide by
5 ordinance, after the approval of a majority of the voters voting at an election at
6 which the issue is submitted, for the appointment of a collector and for the
7 appointment of a chief of police, who shall perform all duties required of the
8 marshal by law, and any other police officers found by the board of aldermen to
9 be necessary for the good government of the city. The marshal or chief of police
10 shall be twenty-one years of age or older. If the board of aldermen does not
11 provide for the appointment of a chief of police and collector as provided by this
12 section, a city marshal, who shall be twenty-one years of age or older, and
13 collector shall be elected, and the board of aldermen may provide by ordinance
14 that the same person may be elected marshal and collector, at the same election,
15 and hold both offices and the board of aldermen may provide by ordinance for the
16 election of city assessor, city attorney, city clerk and street commissioner, who
17 shall hold their respective offices for a term of two years and until their
18 successors shall be elected or appointed and qualified, except that the term of the
19 city marshal shall be four years.

20 2. The board of aldermen may provide by ordinance that the term of
21 [mayor and of] the collector shall be four years **and the term of the mayor**
22 **shall be three or four years.** Any person elected as [mayor or] collector after
23 the passage of such an ordinance shall serve for a term of four years and until his
24 successor is elected and qualified. **Any person elected as mayor after the**
25 **passage of such ordinance shall serve for a term of three or four years,**

26 **as provided, and until his successor is elected and qualified.**

27 3. The board of aldermen may provide by ordinance that the term of the
28 board of aldermen shall be four years. Such ordinance shall be submitted by the
29 board to the voters of the city and shall take effect only upon the approval of a
30 majority of the voters voting at an election at which the issue is submitted. Any
31 person elected to the board of aldermen after the passage of such an ordinance
32 shall serve for a term of four years and until his successor is elected and
33 qualified.

34 4. **Notwithstanding any other provision of this section to the**
35 **contrary, in any city with a population of not less than twenty thousand**
36 **inhabitants located in any county with a charter form of government**
37 **and with more than one million inhabitants, the term of mayor shall be**
38 **four years. Any person elected shall serve a term of four years and**
39 **until his or her successor is elected and qualified.**

84.830. 1. [No person shall solicit orally, or by letter or otherwise, or
2 shall be in any manner concerned in soliciting, any assessment, contribution, or
3 payment for any political purpose whatsoever from any officer or employee in the
4 service of the police department for such cities or from members of the said police
5 board. No officer, agent, or employee of the police department of such cities shall
6 permit any such solicitation in any building or room occupied for the discharge
7 of the official duties of the said department. No officer or employee in the service
8 of said police department shall directly or indirectly give, pay, lend, or contribute
9 any part of his salary or compensation or any money or other valuable thing to
10 any person on account of, or to be applied to, the promotion of any political party,
11 political club, or any political purpose whatever.

12 2.] No officer or employee of said department shall promote, remove, or
13 reduce any other official or employee, or promise or threaten to do so, for
14 withholding or refusing to make any contribution for any political party or
15 purpose or club, or for refusal to render any political service, and shall not
16 directly or indirectly attempt to coerce, command, or advise any other officer or
17 employee to make any such contribution or render any such service. No officer
18 or employee in the service of said department or member of the police board shall
19 use his official authority or influence for the purpose of interfering with any
20 election or any nomination for office, or affecting the result thereof. [No officer
21 or employee of such department shall be a member or official of any committee
22 of any political party, or be a ward committeeman or committeewoman, nor shall

23 any such officer or employee solicit any person to vote for or against any
24 candidate for public office, or "poll precincts" or be connected with other political
25 work of similar character on behalf of any political organization, party, or
26 candidate.] All such persons shall, however, retain the right to vote as they may
27 choose and to express their opinions on all political subjects and candidates.

28 [3.] 2. No person or officer or employee of said department shall affix any
29 sign, bumper sticker or other device to any property or vehicle under the control
30 of said department which either supports or opposes any ballot measure or
31 political candidate.

32 [4.] 3. No question in any examination shall relate to political or
33 religious opinions or affiliations, and no appointment, transfer, layoff, promotion,
34 reduction, suspension, or removal shall be affected by such opinions or
35 affiliations.

36 [5.] 4. No person shall make false statement, certification, mark, rating,
37 or report with regard to any tests, certificate, or appointment made under any
38 provision of sections 84.350 to 84.860 or in any manner commit or attempt to
39 commit any fraud preventing the impartial execution of this section or any
40 provision thereof.

41 [6.] 5. No person shall, directly or indirectly, give, render, pay, offer,
42 solicit, or accept any money, service, or other valuable consideration for or on
43 account of any appointment, proposed appointment, promotion to, or any
44 advancement in, a position in the service of the police departments of such cities.

45 [7.] 6. No person shall defeat, deceive, or obstruct any person in his right
46 to examination, eligibility, certification, appointment or promotion under sections
47 84.350 to 84.860, or furnish to any person any such secret information for the
48 purpose of affecting the right or prospects of any person with respect to
49 employment in the police departments of such cities.

50 [8.] 7. Any officer or any employee of the police department of such cities
51 who shall be found by the board to have violated any of the provisions of this
52 section shall be discharged forthwith from said service. It shall be the duty of the
53 chief of police to prefer charges against any such offending person at once. Any
54 member of the board or of the common council of such cities may bring suit to
55 restrain payment of compensation to any such offending officer or employee and,
56 as an additional remedy, any such member of the board or of the common council
57 of such cities may also apply to the circuit court for a writ of mandamus to compel
58 the dismissal of such offending officer or employee. Officers or employees

59 discharged by such mandamus shall have no right of review before the police
60 board. Any person dismissed or convicted under this section shall, for a period
61 of five years, be ineligible for appointment to any position in the service of the
62 police department of such cities or the municipal government of such cities. Any
63 persons who shall willfully or through culpable negligence violate any of the
64 provisions of this section may, upon conviction thereof, be punished by a fine of
65 not less than fifty dollars and not exceeding five hundred dollars, or by
66 imprisonment for a time not exceeding six months, or by both such fine and
67 imprisonment.

87.006. 1. Notwithstanding the provisions of any law to the contrary, and
2 only for the purpose of computing retirement benefits provided by an established
3 retirement plan, after five years' service, any condition of impairment of health
4 caused by any disease of the lungs or respiratory tract, hypotension,
5 hypertension, or disease of the heart, **or any condition of cancer affecting**
6 **the skin or the central nervous, lymphatic, digestive, hematological,**
7 **urinary, skeletal, oral, or prostate systems, lung or respiratory tract, as**
8 **well as any condition of cancer which may result from exposure to heat**
9 **or radiation or to a known or suspected carcinogen as determined by**
10 **the International Agency for Research on Cancer** resulting in total or
11 partial disability or death to a uniformed member of a paid fire department, who
12 successfully passed a physical examination within five years prior to the time a
13 claim is made for such disability or death, which examination failed to reveal any
14 evidence of such condition, shall be presumed to have been suffered in line of
15 duty, unless the contrary be shown by competent evidence **and it can be proven**
16 **to a reasonable degree of medical certainty that the condition did not**
17 **result nor was contributed to by the voluntary use of tobacco.**

18 2. This section shall apply to paid members of all fire departments of all
19 counties, cities, towns, fire districts, and other governmental units.

89.010. The provisions of sections 89.010 to 89.140 shall apply to all cities,
2 towns and villages in this state. **In the case of a conflict between the**
3 **provisions of any city, town, or village that adopts a zoning or**
4 **subdivision ordinance based upon transect-based zoning and the**
5 **provisions of any ordinance or code of another political subdivision**
6 **with respect to street configuration requirements, the provisions of**
7 **such city, town, or village ordinance regarding street configuration**
8 **requirements, including number and locations of parking spaces, street,**

9 drive lane and cul de sac lengths and widths, turning radii and
10 improvements within the right-of-way, shall prevail over any
11 conflicting or more restrictive code or ordinance of any other political
12 subdivision. For purposes of this section, the term "transect-based
13 zoning" shall mean a zoning classification system that prescriptively
14 arranges uses, elements, and environments according to a geographic
15 cross section that range across a continuum from rural to urban, with
16 the range of environments providing the basis for organizing the
17 components of the built world: building, lots, land use, street, and all
18 other physical elements of the human habitat, with the objective of
19 creating sustainable communities emphasizing bicycle lanes, street
20 connectivity, and sidewalks, and permitting high-density and mixed use
21 development in urban areas.

89.400. When the planning commission of any municipality adopts a city
2 plan which includes at least a major street plan or progresses in its city planning
3 to the making and adoption of a major street plan, and files a certified copy of the
4 major street plan in the office of the county recorder of the county in which the
5 municipality is located, no plat of a subdivision of land lying within the
6 municipality shall be filed or recorded until it has been submitted to and a report
7 and recommendation thereon made by the commission to the city council and the
8 council has approved the plat as provided by law. **In the case of a conflict
9 between the provisions of any city, town, or village that adopts a zoning
10 or subdivision ordinance based upon transect-based zoning and the
11 provisions of any ordinance or code of another political subdivision
12 with respect to street configuration requirements, the provisions of
13 such city, town, or village ordinance regarding street configuration
14 requirements, including number and locations of parking spaces, street,
15 drive lane and cul de sac lengths and widths, turning radii and
16 improvements within the right-of-way, shall prevail over any
17 conflicting or more restrictive code or ordinance of any other political
18 subdivision. For purposes of this section, the term "transect-based
19 zoning" shall mean a zoning classification system that prescriptively
20 arranges uses, elements, and environments according to a geographic
21 cross section that range across a continuum from rural to urban, with
22 the range of environments providing the basis for organizing the
23 components of the built world: building, lots, land use, street, and all
24 other physical elements of the human habitat, with the objective of**

25 creating sustainable communities emphasizing bicycle lanes, street
26 connectivity, and sidewalks, and permitting high-density and mixed use
27 development in urban areas.

92.500. 1. The governing body of any city not within a county
2 may impose, by order or ordinance, a sales tax on all retail sales made
3 within the city which are subject to sales tax under chapter 144,
4 RSMo. The tax authorized in this section shall not exceed one-half of
5 one percent, and shall be imposed solely for the purpose of providing
6 revenues for the operation of public safety departments, including
7 police and fire departments, and for compensation, pension programs,
8 and health care for employees and pensioners of the public safety
9 departments. The tax authorized in this section shall be in addition to
10 all other sales taxes imposed by law, and shall be stated separately
11 from all other charges and taxes. The order or ordinance shall not
12 become effective unless the governing body of the city submits to the
13 voters residing within the city at a state general, primary, or special
14 election a proposal to authorize the governing body of the city to
15 impose a tax under this section.

16 2. The ballot of submission for the tax authorized in this section
17 shall be in substantially the following form:

18 Shall (insert the name of the city) impose a sales tax at a rate
19 of (insert rate of percent) percent, solely for the purpose of
20 providing revenues for the operation of public safety departments of
21 the city?

22 YES NO

23 If you are in favor of the question, place an "X" in the box opposite
24 "YES". If you are opposed to the question, place an "X" in the box
25 opposite "NO".

26 If a majority of the votes cast on the question by the qualified voters
27 voting thereon are in favor of the question, then the tax shall become
28 effective on the first day of the second calendar quarter immediately
29 following notification to the department of revenue. If a majority of the
30 votes cast on the question by the qualified voters voting thereon are
31 opposed to the question, then the tax shall not become effective unless
32 and until the question is resubmitted under this section to the qualified
33 voters and such question is approved by a majority of the qualified

34 voters voting on the question.

35 3. All revenue collected under this section by the director of the
36 department of revenue on behalf of any city, except for one percent for
37 the cost of collection which shall be deposited in the state's general
38 revenue fund, shall be deposited in a special trust fund, which is
39 hereby created and shall be known as the "Public Safety Protection
40 Sales Tax Fund", and shall be used solely for the designated
41 purposes. Moneys in the fund shall not be deemed to be state funds,
42 and shall not be commingled with any funds of the state. The director
43 may make refunds from the amounts in the trust fund and credited to
44 the city for erroneous payments and overpayments made, and may
45 redeem dishonored checks and drafts deposited to the credit of such
46 city. Any funds in the special trust fund which are not needed for
47 current expenditures shall be invested in the same manner as other
48 funds are invested. Any interest and moneys earned on such
49 investments shall be credited to the fund. The director shall keep
50 accurate records of the amounts in the fund, and such records shall be
51 open to the inspection of the officers of such city and to the public. Not
52 later than the tenth day of each month, the director shall distribute all
53 moneys deposited in the fund during the preceding month to the
54 city. Such funds shall be deposited with the treasurer of the city, and
55 all expenditures of moneys from the fund shall be by an appropriation
56 ordinance enacted by the governing body of the city.

57 4. On or after the effective date of the tax, the director of
58 revenue shall be responsible for the administration, collection,
59 enforcement, and operation of the tax, and sections 32.085 and 32.087,
60 RSMo, shall apply. In order to permit sellers required to collect and
61 report the sales tax to collect the amount required to be reported and
62 remitted, but not to change the requirements of reporting or remitting
63 the tax, or to serve as a levy of the tax, and in order to avoid fractions
64 of pennies, the governing body of the city may authorize the use of a
65 bracket system similar to that authorized in section 144.285, RSMo, and
66 notwithstanding the provisions of that section, this new bracket system
67 shall be used where this tax is imposed and shall apply to all taxable
68 transactions. Beginning with the effective date of the tax, every
69 retailer in the city shall add the sales tax to the sale price, and this tax
70 shall be a debt of the purchaser to the retailer until paid, and shall be

71 recoverable at law in the same manner as the purchase price. For
72 purposes of this section, all retail sales shall be deemed to be
73 consummated at the place of business of the retailer.

74 5. All applicable provisions in sections 144.010 to 144.525, RSMo,
75 governing the state sales tax, and section 32.057, RSMo, the uniform
76 confidentiality provision, shall apply to the collection of the tax, and
77 all exemptions granted to agencies of government, organizations, and
78 persons under sections 144.010 to 144.525, RSMo, are hereby made
79 applicable to the imposition and collection of the tax. The same sales
80 tax permit, exemption certificate, and retail certificate required by
81 sections 144.010 to 144.525, RSMo, for the administration and collection
82 of the state sales tax shall satisfy the requirements of this section, and
83 no additional permit or exemption certificate or retail certificate shall
84 be required; except that, the director of revenue may prescribe a form
85 of exemption certificate for an exemption from the tax. All discounts
86 allowed the retailer under the state sales tax for the collection of and
87 for payment of taxes are hereby allowed and made applicable to the
88 tax. The penalties for violations provided in section 32.057, RSMo, and
89 sections 144.010 to 144.525, RSMo, are hereby made applicable to
90 violations of this section. If any person is delinquent in the payment
91 of the amount required to be paid under this section, or in the event a
92 determination has been made against the person for the tax and
93 penalties under this section, the limitation for bringing suit for the
94 collection of the delinquent tax and penalties shall be the same as that
95 provided in sections 144.010 to 144.525, RSMo.

96 6. The governing body of any city that has adopted the sales tax
97 authorized in this section may submit the question of repeal of the tax
98 to the voters on any date available for elections for the city. The ballot
99 of submission shall be in substantially the following form:

100 Shall (insert the name of the city) repeal the sales tax
101 imposed at a rate of (insert rate of percent) percent for the purpose
102 of providing revenues for the operation of public safety departments of
103 the city?

104 YES NO

105 If you are in favor of the question, place an "X" in the box opposite
106 "YES". If you are opposed to the question, place an "X" in the box

107 **opposite "NO".**

108 **If a majority of the votes cast on the question by the qualified voters**
109 **voting thereon are in favor of repeal, that repeal shall become effective**
110 **on December thirty-first of the calendar year in which such repeal was**
111 **approved. If a majority of the votes cast on the question by the**
112 **qualified voters voting thereon are opposed to the repeal, then the sales**
113 **tax authorized in this section shall remain effective until the question**
114 **is resubmitted under this section to the qualified voters and the repeal**
115 **is approved by a majority of the qualified voters voting on the question.**

116 **7. Whenever the governing body of any city that has adopted the**
117 **sales tax authorized in this section receives a petition, signed by a**
118 **number of registered voters of the city equal to at least two percent of**
119 **the number of registered voters of the city voting in the last**
120 **gubernatorial election, calling for an election to repeal the sales tax**
121 **imposed under this section, the governing body shall submit to the**
122 **voters of the city a proposal to repeal the tax. If a majority of the votes**
123 **cast on the question by the qualified voters voting thereon are in favor**
124 **of the repeal, the repeal shall become effective on December thirty-first**
125 **of the calendar year in which such repeal was approved. If a majority**
126 **of the votes cast on the question by the qualified voters voting thereon**
127 **are opposed to the repeal, then the sales tax authorized in this section**
128 **shall remain effective until the question is resubmitted under this**
129 **section to the qualified voters and the repeal is approved by a majority**
130 **of the qualified voters voting on the question.**

131 **8. If the tax is repealed or terminated by any means, all funds**
132 **remaining in the special trust fund shall continue to be used solely for**
133 **the designated purposes, and the city shall notify the director of the**
134 **department of revenue of the action at least ninety days before the**
135 **effective date of the repeal and the director may order retention in the**
136 **trust fund, for a period of one year, of two percent of the amount**
137 **collected after receipt of such notice to cover possible refunds or**
138 **overpayment of the tax and to redeem dishonored checks and drafts**
139 **deposited to the credit of such accounts. After one year has elapsed**
140 **after the effective date of abolition of the tax in such city, the director**
141 **shall remit the balance in the account to the city and close the account**
142 **of that city. The director shall notify each city of each instance of any**
143 **amount refunded or any check redeemed from receipts due the city.**

94.660. 1. The governing body of any city not within a county and any
 2 county of the first classification having a charter form of government with a
 3 population of over nine hundred thousand inhabitants may propose, by ordinance
 4 or order, a transportation sales tax of up to one percent for submission to the
 5 voters of that city or county at an authorized election date selected by the
 6 governing body.

7 2. Any sales tax approved under this section shall be imposed on the
 8 receipts from the sale at retail of all tangible personal property or taxable
 9 services within the city or county adopting the tax, if such property and services
 10 are subject to taxation by the state of Missouri under sections 144.010 to 144.525,
 11 RSMo.

12 3. The ballot of submission shall contain, but need not be limited to, the
 13 following language:

14 Shall the county/city of (county's or city's name) impose a
 15 county/city-wide sales tax of percent for the purpose of providing a source
 16 of funds for public transportation purposes?

17 YES NO

18 Except as provided in subsection 4 of this section, if a majority of the votes cast
 19 in that county or city not within a county on the proposal by the qualified voters
 20 voting thereon are in favor of the proposal, then the tax shall go into effect on the
 21 first day of the next calendar quarter beginning after its adoption and notice to
 22 the director of revenue, but no sooner than thirty days after such adoption and
 23 notice. If a majority of the votes cast in that county or city not within a county
 24 by the qualified voters voting are opposed to the proposal, then the additional
 25 sales tax shall not be imposed in that county or city not within a county unless
 26 and until the governing body of that county or city not within a county shall have
 27 submitted another proposal to authorize the local option transportation sales tax
 28 authorized in this section, and such proposal is approved by a majority of the
 29 qualified voters voting on it. In no event shall a proposal pursuant to this section
 30 be submitted to the voters sooner than twelve months from the date of the last
 31 proposal.

32 4. No tax shall go into effect under this section in any city not within a
 33 county or any county of the first classification having a charter form of
 34 government with a population over nine hundred thousand inhabitants unless
 35 and until both such city and such county approve the tax.

36 **5. The provisions of subsection 4 of this section requiring both**

37 **the city and county to approve a transportation sales tax before a**
38 **transportation sales tax may go into effect in either jurisdiction shall**
39 **not apply to any transportation sales tax submitted to and approved by**
40 **the voters in such city or such county on or after August 28, 2007.**

41 [5.] 6. All sales taxes collected by the director of revenue under this
42 section on behalf of any city or county, less one percent for cost of collection which
43 shall be deposited in the state's general revenue fund after payment of premiums
44 for surety bonds, shall be deposited with the state treasurer in a special trust
45 fund, which is hereby created, to be known as the "County Public Transit Sales
46 Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087,
47 RSMo. The moneys in the trust fund shall not be deemed to be state funds and
48 shall not be commingled with any funds of the state. The director of revenue
49 shall keep accurate records of the amount of money in the trust fund which was
50 collected in each city or county approving a sales tax under this section, and the
51 records shall be open to inspection by officers of the city or county and the
52 public. Not later than the tenth day of each month the director of revenue shall
53 distribute all moneys deposited in the trust fund during the preceding month to
54 the city or county which levied the tax, and such funds shall be deposited with
55 the treasurer of each such city or county and all expenditures of funds arising
56 from the county public transit sales tax trust fund shall be by an appropriation
57 act to be enacted by the governing body of each such county or city not within a
58 county.

59 [6.] 7. The revenues derived from any transportation sales tax under this
60 section shall be used only for the planning, development, acquisition,
61 construction, maintenance and operation of public transit facilities and systems
62 other than highways.

63 [7.] 8. The director of revenue may authorize the state treasurer to make
64 refunds from the amount in the trust fund and credited to any city or county for
65 erroneous payments and overpayments made, and may redeem dishonored checks
66 and drafts deposited to the credit of such cities or counties. If any city or county
67 abolishes the tax, the city or county shall notify the director of revenue of the
68 action at least ninety days prior to the effective date of the repeal and the
69 director of revenue may order retention in the trust fund, for a period of one year,
70 of two percent of the amount collected after receipt of such notice to cover possible
71 refunds or overpayment of the tax and to redeem dishonored checks and drafts
72 deposited to the credit of such accounts. After one year has elapsed after the

73 effective date of abolition of the tax in such city or county, the director of revenue
74 shall authorize the state treasurer to remit the balance in the account to the city
75 or county and close the account of that city or county. The director of revenue
76 shall notify each city or county of each instance of any amount refunded or any
77 check redeemed from receipts due the city or county.

94.950. 1. As used in this section, "museum" means museums
2 operating or to be built in the city and that are registered with the
3 United States Internal Revenue Service as a 501(c)(3) corporation, or
4 an organization that is registered with the United States Internal
5 Revenue Service as a 501(c)(3) corporation and that develops, promotes,
6 or operates historical locations or preservation sites.

7 2. The governing body of any home rule city with more than
8 forty-five thousand five hundred but fewer than forty-five thousand
9 nine hundred inhabitants and partially located in any county of the
10 first classification with more than one hundred four thousand six
11 hundred but fewer than one hundred four thousand seven hundred
12 inhabitants may impose, by order or ordinance, a sales tax on all retail
13 sales made within the city which are subject to sales tax under chapter
14 144, RSMo. The tax authorized in this section shall not exceed one-half
15 of one percent, and shall be imposed solely for the purpose of funding
16 the operation, construction, or renovation of historical locations and
17 museums to promote tourism. The tax authorized in this section shall
18 be in addition to all other sales taxes imposed by law, and shall be
19 stated separately from all other charges and taxes. The order or
20 ordinance shall not become effective unless the governing body of the
21 city submits to the voters residing within the city at a state general,
22 primary, or special election a proposal to authorize the governing body
23 of the city to impose a tax under this section.

24 3. The ballot of submission for the tax authorized in this section
25 shall be in substantially the following form:

26 Shall (insert the name of the city) impose a sales tax at a rate
27 of (insert rate of percent) percent, solely for the purpose of funding
28 the operation, construction, or renovation of historical locations and
29 museums to promote tourism?

30 YES NO

31 If you are in favor of the question, place an "X" in the box opposite

32 "YES". If you are opposed to the question, place an "X" in the box
33 opposite "NO".

34 If a majority of the votes cast on the question by the qualified voters
35 voting thereon are in favor of the question, then the tax shall become
36 effective on the first day of the second calendar quarter immediately
37 following notification to the department of revenue. If a majority of the
38 votes cast on the question by the qualified voters voting thereon are
39 opposed to the question, then the tax shall not become effective unless
40 and until the question is resubmitted under this section to the qualified
41 voters and such question is approved by a majority of the qualified
42 voters voting on the question.

43 4. All revenue collected under this section by the director of the
44 department of revenue on behalf of any city, except for one percent for
45 the cost of collection which shall be deposited in the state's general
46 revenue fund, shall be deposited in a special trust fund, which is
47 hereby created and shall be known as the "Local Option Museum Sales
48 Tax Trust Fund", and shall be used solely for the designated
49 purposes. Moneys in the fund shall not be deemed to be state funds,
50 and shall not be commingled with any funds of the state. The director
51 may make refunds from the amounts in the trust fund and credited to
52 the city for erroneous payments and overpayments made, and may
53 redeem dishonored checks and drafts deposited to the credit of such
54 city. Any funds in the trust fund which are not needed for current
55 expenditures shall be invested in the same manner as other funds are
56 invested. Any interest and moneys earned on such investments shall be
57 credited to the fund. Not later than the tenth day of each month, the
58 director shall distribute all moneys deposited in the trust fund during
59 the preceding month to the city that levied the sales tax.

60 5. On or after the effective date of the tax, the director of
61 revenue shall be responsible for the administration, collection,
62 enforcement, and operation of the tax, and sections 32.085 and 32.087,
63 RSMo, shall apply. In order to permit sellers required to collect and
64 report the sales tax to collect the amount required to be reported and
65 remitted, but not to change the requirements of reporting or remitting
66 the tax, or to serve as a levy of the tax, and in order to avoid fractions
67 of pennies, the governing body of the city may authorize the use of a
68 bracket system similar to that authorized in section 144.285, RSMo, and

69 notwithstanding the provisions of that section, this new bracket system
70 shall be used where this tax is imposed and shall apply to all taxable
71 transactions. Beginning with the effective date of the tax, every
72 retailer in the city shall add the sales tax to the sale price, and this tax
73 shall be a debt of the purchaser to the retailer until paid, and shall be
74 recoverable at law in the same manner as the purchase price. For
75 purposes of this section, all retail sales shall be deemed to be
76 consummated at the place of business of the retailer.

77 6. All applicable provisions in sections 144.010 to 144.525, RSMo,
78 governing the state sales tax, and section 32.057, RSMo, the uniform
79 confidentiality provision, shall apply to the collection of the tax, and
80 all exemptions granted to agencies of government, organizations, and
81 persons under sections 144.010 to 144.525, RSMo, are hereby made
82 applicable to the imposition and collection of the tax. The same sales
83 tax permit, exemption certificate, and retail certificate required by
84 sections 144.010 to 144.525, RSMo, for the administration and collection
85 of the state sales tax shall satisfy the requirements of this section, and
86 no additional permit or exemption certificate or retail certificate shall
87 be required; except that, the director of revenue may prescribe a form
88 of exemption certificate for an exemption from the tax. All discounts
89 allowed the retailer under the state sales tax for the collection of and
90 for payment of taxes are hereby allowed and made applicable to the
91 tax. The penalties for violations provided in section 32.057, RSMo, and
92 sections 144.010 to 144.525, RSMo, are hereby made applicable to
93 violations of this section. If any person is delinquent in the payment
94 of the amount required to be paid under this section, or in the event a
95 determination has been made against the person for the tax and
96 penalty under this section, the limitation for bringing suit for the
97 collection of the delinquent tax and penalties shall be the same as that
98 provided in sections 144.010 to 144.525, RSMo.

99 7. The governing body of any city that has adopted the sales tax
100 authorized in this section may submit the question of repeal of the tax
101 to the voters on any date available for elections for the city. The ballot
102 of submission shall be in substantially the following form:

103 Shall (insert the name of the city) repeal the sales tax
104 imposed at a rate of (insert rate of percent) percent for the purpose
105 of funding the operation, construction, or renovation of historical

106 **locations and museums to promote tourism?**

107 **YES** **NO**

108 **If you are in favor of the question, place an "X" in the box opposite**
109 **"YES". If you are opposed to the question, place an "X" in the box**
110 **opposite "NO".**

111 **If a majority of the votes cast on the question by the qualified voters**
112 **voting thereon are in favor of repeal, that repeal shall become effective**
113 **on December thirty-first of the calendar year in which such repeal was**
114 **approved. If a majority of the votes cast on the question by the**
115 **qualified voters voting thereon are opposed to the repeal, then the sales**
116 **tax authorized in this section shall remain effective until the question**
117 **is resubmitted under this section to the qualified voters and the repeal**
118 **is approved by a majority of the qualified voters voting on the question.**

119 **8. Whenever the governing body of any city that has adopted the**
120 **sales tax authorized in this section receives a petition, signed by a**
121 **number of registered voters of the city equal to at least two percent of**
122 **the number of registered voters of the city voting in the last**
123 **gubernatorial election, calling for an election to repeal the sales tax**
124 **imposed under this section, the governing body shall submit to the**
125 **voters of the city a proposal to repeal the tax. If a majority of the votes**
126 **cast on the question by the qualified voters voting thereon are in favor**
127 **of the repeal, the repeal shall become effective on December thirty-first**
128 **of the calendar year in which such repeal was approved. If a majority**
129 **of the votes cast on the question by the qualified voters voting thereon**
130 **are opposed to the repeal, then the sales tax authorized in this section**
131 **shall remain effective until the question is resubmitted under this**
132 **section to the qualified voters and the repeal is approved by a majority**
133 **of the qualified voters voting on the question.**

134 **9. If the tax is repealed or terminated by any means, all funds**
135 **remaining in the trust fund shall continue to be used solely for the**
136 **designated purposes, and the city shall notify the director of the**
137 **department of revenue of the action at least thirty days before the**
138 **effective date of the repeal and the director may order retention in the**
139 **trust fund, for a period of one year, of two percent of the amount**
140 **collected after receipt of such notice to cover possible refunds or**
141 **overpayment of the tax and to redeem dishonored checks and drafts**

142 **deposited to the credit of such accounts. After one year has elapsed**
143 **after the effective date of abolition of the tax in such city, the director**
144 **shall remit the balance in the account to the city and close the account**
145 **of that city. The director shall notify each city of each instance of any**
146 **amount refunded or any check redeemed from receipts due the city.**

100.050. 1. Any municipality proposing to carry out a project for
2 industrial development shall first, by majority vote of the governing body of the
3 municipality, approve the plan for the project. The plan shall include the
4 following information pertaining to the proposed project:

- 5 (1) A description of the project;
- 6 (2) An estimate of the cost of the project;
- 7 (3) A statement of the source of funds to be expended for the project;
- 8 (4) A statement of the terms upon which the facilities to be provided by
9 the project are to be leased or otherwise disposed of by the municipality; and
- 10 (5) Such other information necessary to meet the requirements of sections
11 100.010 to 100.200.

12 2. If the plan for the project is approved after August 28, 2003, and the
13 project plan involves issuance of revenue bonds or involves conveyance of a fee
14 interest in property to a municipality, the project plan shall additionally include
15 the following information:

- 16 (1) A statement identifying each school district, junior college district,
17 county, or city affected by such project except property assessed by the state tax
18 commission pursuant to chapters 151 and 153, RSMo;
- 19 (2) The most recent equalized assessed valuation of the real property and
20 personal property included in the project, and an estimate as to the equalized
21 assessed valuation of real property and personal property included in the project
22 after development;
- 23 (3) An analysis of the costs and benefits of the project on each school
24 district, junior college district, county, or city; and
- 25 (4) Identification of any payments in lieu of taxes expected to be made by
26 any lessee of the project, and the disposition of any such payments by the
27 municipality.

28 3. If the plan for the project is approved after August 28, 2003, any
29 payments in lieu of taxes expected to be made by any lessee of the project shall
30 be applied in accordance with this section. The lessee may reimburse the
31 municipality for its actual costs of issuing the bonds and administering the plan.

32 All amounts paid in excess of such actual costs shall, immediately upon receipt
33 thereof, be disbursed by the municipality's treasurer or other financial officer to
34 each school district, junior college district, county, or city in proportion to the
35 current ad valorem tax levy of each school district, junior college district, county,
36 or city; however, in any county of the first classification with more than
37 ninety-three thousand eight hundred but fewer than ninety-three thousand nine
38 hundred inhabitants **or any county of the first classification with more**
39 **than one hundred thirty-five thousand four hundred but fewer than one**
40 **hundred thirty-five thousand five hundred inhabitants**, if the plan for the
41 project is approved after May 15, 2005, such amounts shall be disbursed by the
42 municipality's treasurer or other financial officer to each affected taxing entity
43 in proportion to the current ad valorem tax levy of each affected taxing entity.

100.059. 1. The governing body of any municipality proposing a project
2 for industrial development which involves issuance of revenue bonds or involves
3 conveyance of a fee interest in property to a municipality shall, not less than
4 twenty days before approving the plan for a project as required by section
5 100.050, provide notice of the proposed project to the county in which the
6 municipality is located and any school district that is a school district, junior
7 college district, county, or city; however, in any county of the first classification
8 with more than ninety-three thousand eight hundred but fewer than ninety-three
9 thousand nine hundred inhabitants **or any county of the first classification**
10 **with more than one hundred thirty-five thousand four hundred but**
11 **fewer than one hundred thirty-five thousand five hundred inhabitants**,
12 if the plan for the project is approved after May 15, 2005, such notice shall be
13 provided to all affected taxing entities in the county. Such notice shall include
14 the information required in section 100.050, shall state the date on which the
15 governing body of the municipality will first consider approval of the plan, and
16 shall invite such school districts, junior college districts, counties, or cities to
17 submit comments to the governing body and the comments shall be fairly and
18 duly considered.

19 2. Notwithstanding any other provisions of this section to the contrary,
20 for purposes of determining the limitation on indebtedness of local government
21 pursuant to section 26(b), article VI, Constitution of Missouri, the current
22 equalized assessed value of the property in an area selected for redevelopment
23 attributable to the increase above the total initial equalized assessed valuation
24 shall be included in the value of taxable tangible property as shown on the last

25 completed assessment for state or county purposes.

26 3. The county assessor shall include the current assessed value of all
27 property within the school district, junior college district, county, or city in the
28 aggregate valuation of assessed property entered upon the assessor's book and
29 verified pursuant to section 137.245, RSMo, and such value shall be utilized for
30 the purpose of the debt limitation on local government pursuant to section 26(b),
31 article VI, Constitution of Missouri.

32 4. This section is applicable only if the plan for the project is approved
33 after August 28, 2003.

110.130. 1. Subject to the provisions of section 110.030 the county
2 commission of each county in this state[, at the April term, in April 1997] **on or**
3 **before the first Monday for July for the year in which a bid is**
4 **requested** and every fourth year thereafter, with an option to rebid in each
5 odd-numbered year, shall receive proposals from banking corporations or
6 associations at the county seat of the county which desire to be selected as the
7 depositaries of the funds of the county. [For the purpose of letting the funds the
8 county commission shall, by order of record, divide the funds into not less than
9 two nor more than twelve equal parts, except that in counties of the first
10 classification not having a charter form of government, funds shall be divided in
11 not less than two nor more than twenty equal parts, and the bids provided for in
12 sections 110.140 and 110.150 may be for one or more of the parts.]

13 2. Notice that such bids will be received shall be published by the clerk
14 of the commission twenty days before the commencement of the term in some
15 newspaper published in the county, and if no newspaper is published therein,
16 then the notice shall be published at the door of the courthouse of the county. In
17 counties operating under the township organization law of this state, township
18 boards shall exercise the same powers and privileges with reference to township
19 funds as are conferred in sections 110.130 to 110.260 upon county commissions
20 with reference to county funds at the same time and manner, except that
21 township funds shall not be divided but let as an entirety; and except, also, that
22 in all cases of the letting of township funds, three notices, posted in three public
23 places by the township clerk, will be a sufficient notice of such letting.

110.140. 1. Any banking corporation or association in the county desiring
2 to bid shall deliver to the clerk of the commission, on or before the first [day of
3 the term] **Monday of July** at which the selection of depositaries is to be made,
4 a sealed proposal, stating the rate of interest that the banking corporation, or

5 association offers to pay on the funds of the county for the term of two or four
6 years next ensuing the date of the bid, or, if the selection is made for a less term
7 than two or four years, as provided in sections 110.180 and 110.190, then for the
8 time between the date of the bid and the next regular time for the selection of
9 depositaries as fixed by section 110.130[, and stating also the number of parts of
10 the funds for which the banking corporation or association desires to bid].

11 2. Each bid shall be accompanied by a certified check for not less than the
12 proportion of one and one-half percent of the county revenue of the preceding year
13 as the sum of the part or parts of funds bid for bears to the whole number of the
14 parts, as a guaranty of good faith on the part of the bidder, that if his **or her** bid
15 should be the highest he **or she** will provide the security required by section
16 110.010. Upon his **or her** failure to give the security required by law, the
17 amount of the certified check shall go to the county as liquidated damages, and
18 the commission may order the county clerk to readvertise for bids.

19 3. It shall be a misdemeanor, and punishable as such, for the clerk of the
20 commission, or any deputy of the clerk, to directly or indirectly disclose the
21 amount of any bid before the selection of depositaries.

110.150. 1. The county commission, at noon on **or before** the first [day
2 of the April term in 1997] **Monday of July for the year in which a bid is**
3 **requested** and every second or fourth year thereafter, shall publicly open the
4 bids, and cause each bid to be entered upon the records of the commission, and
5 shall select as the depositaries of all the public funds of every kind and
6 description going into the hands of the county treasurer, and also all the public
7 funds of every kind and description going into the hands of the ex officio collector
8 in counties under township organization, the deposit of which is not otherwise
9 provided for by law, the banking corporations or associations whose bids
10 respectively made for one or more of the parts of the funds shall in the aggregate
11 constitute the largest offer for the payment of interest per annum for the funds;
12 but the commission may reject any and all bids.

13 2. The interest upon each fund shall be computed upon the daily balances
14 with the depositary, and shall be payable to the county treasurer monthly, who
15 shall place the interest [on the school funds to the credit of those funds
16 respectively, the interest on all county hospital funds and hospital district funds
17 to the credit of those funds, the interest on county health center funds to the
18 credit of those funds, the interest on county library funds to the credit of those
19 funds and the interest on all other funds to the credit of the county general fund]

20 **to the credit of each individual fund held by the county treasurer;**
21 provided, that the interest on any funds collected by the collector of any county
22 of the first classification not having a charter form of government on behalf of any
23 political subdivision or special district shall be credited to such political
24 subdivision or special district.

25 3. The county clerk shall, in opening the bids, return the certified checks
26 deposited with him to the banks whose bids are rejected, and on approval of the
27 security of the successful bidders return the certified checks to the banks whose
28 bids are accepted.

135.084. Any county with a charter form of government and with
2 **more than six hundred thousand but fewer than seven hundred**
3 **thousand inhabitants may, through the adoption of an ordinance, allow**
4 **for the deferral of increases in property tax liability and interest**
5 **thereon in excess of the property tax liability for 2005 for homestead**
6 **property, as that term is defined in section 135.010, RSMo, that is**
7 **located in such county and owned and occupied by an individual or**
8 **individuals age sixty-five and older. Such county may, by adoption of**
9 **an ordinance, place such requirements upon the deferral of real**
10 **property taxes as its governing body deems appropriate. Through an**
11 **annual appropriation made by such county and upon determining the**
12 **amount of deferred taxes on tax-deferred property for the tax year, the**
13 **county shall pay to the respective political subdivisions levying a tax**
14 **upon real property located within or partially within the county and,**
15 **with regard to constitutionally dedicated real property taxes, to state**
16 **an amount equivalent to the deferred taxes owed to the political**
17 **subdivisions and the state. A county allowing for the deferral of real**
18 **property taxes may accrue interest upon the amount of deferred taxes**
19 **in the same manner and rate as provided under section 32.065, RSMo.**
20 **A county allowing for the deferral of real property taxes shall notify**
21 **the department of revenue of all taxpayers opting to defer increases in**
22 **property tax liability. Any taxpayer who defers increases in property**
23 **tax liability under this section shall be ineligible to receive the senior**
24 **citizen property tax credit or the homestead preservation tax credit for**
25 **any year in which the increase in property tax liability is deferred or**
26 **remains unpaid.**

137.055. 1. After the assessor's book of each county, except in the city of
2 St. Louis, shall be corrected and adjusted according to law, but not later than

3 September twentieth, of each year, the county governing body shall ascertain the
4 sum necessary to be raised for county purposes, and fix the rate of taxes on the
5 several subjects of taxation so as to raise the required sum, and the same to be
6 entered in the proper columns in the tax book.

7 2. Prior to fixing the rate of taxes, as provided in this section, the county
8 governing body shall hold a public hearing on the proposed rate of taxes. A notice
9 stating the time and place for the hearing shall be published in at least one
10 newspaper qualified under the laws of Missouri of general circulation in the
11 county at least seven days prior to the date of the hearing. The notice shall
12 include the aggregate assessed valuation by category of real, total personal and
13 other tangible property in the county as entered in the tax book for the fiscal year
14 for which the tax is to be levied, the aggregate assessed valuation by category of
15 real, total personal and other tangible property in the county for the preceding
16 taxable year, the required sums to be raised from the property tax for each
17 purpose for which the county levies taxes as approved in the budget adopted
18 under chapter 50, RSMo, [and] the proposed rate of taxes which will produce
19 substantially the same revenues as required by the budget, **and the increase**
20 **in tax revenue realized due to an increase in assessed value as a result**
21 **of new construction and improvement, and the increase, both in dollar**
22 **value and percentage, in tax revenue as a result of reassessment if the**
23 **proposed tax rate is adopted.** Failure of any taxpayer to appear at said
24 hearing shall not prevent the taxpayer from pursuit of any other legal remedy
25 otherwise available to the taxpayer. Nothing in this subsection absolves county
26 governing bodies of responsibilities under section 137.073 nor to adjust tax rates
27 in event changes in assessed valuation occur that would alter the tax rate
28 calculations.

137.094. 1. Every person, corporation, partnership or
2 **association, subject to taxation under the laws of this state, owning or**
3 **controlling tangible personal property taxable by any such county,**
4 **except merchants and manufacturers, and except railroads, public**
5 **utilities, pipeline companies or any other person or corporation subject**
6 **to special statutory tax requirements, who shall return and file their**
7 **assessments on locally assessed property no later than April first, shall**
8 **file with the assessor of the county an itemized return listing all the**
9 **tangible personal property so owned or controlled on January first of**
10 **each year, together with such additional information as required by the**

11 assessor to permit a determination of its value. The returns shall be
12 delivered to the office of the assessor of the county between the first
13 day of January and the first day of March of each year and shall be
14 signed and certified by the taxpayer as being a true and complete list
15 or statement of all the taxable tangible personal property and the
16 estimated true value thereof. The assessor shall have available at his
17 office a supply of appropriate forms or blanks on which the return by
18 the taxpayer shall be made. For the convenience of taxpayers the
19 assessor shall mail to or leave at the residence or place of business of
20 the taxpayer a form for making the return. All tangible personal
21 property of whatever nature and character situate in a county other
22 than the one in which the taxpayer resides shall be listed in the
23 itemized return listing all tangible personal property to be provided to
24 the assessor for the county of the owner or controller's residence
25 address, except that house boats, cabin cruisers, floating boat docks,
26 and manufactured homes, as defined in section 700.010, RSMo, used for
27 lodging shall be listed in the itemized return provided to the county
28 assessor for the county in which such property is located. For purposes
29 of this section, the term "residence address" shall have the same
30 meaning as provided under section 302.010, RSMo.

31 **2. Any person, corporation, partnership or association, that may**
32 **hereafter knowingly violate the provisions of this section shall upon**
33 **conviction be deemed guilty of a misdemeanor.**

137.115. 1. All other laws to the contrary notwithstanding, the assessor
2 or the assessor's deputies in all counties of this state including the city of St.
3 Louis shall annually make a list of all real and tangible personal property taxable
4 in the assessor's city, county, town or district. Except as otherwise provided in
5 subsection 3 of this section and section 137.078, the assessor shall annually
6 assess all personal property at thirty-three and one-third percent of its true value
7 in money as of January first of each calendar year. The assessor shall annually
8 assess all real property, including any new construction and improvements to real
9 property, and possessory interests in real property at the percent of its true value
10 in money set in subsection 5 of this section. The assessor shall annually assess
11 all real property in the following manner: new assessed values shall be
12 determined as of January first of each odd-numbered year and shall be entered
13 in the assessor's books; those same assessed values shall apply in the following

14 even-numbered year, except for new construction and property improvements
15 which shall be valued as though they had been completed as of January first of
16 the preceding odd-numbered year. The assessor may call at the office, place of
17 doing business, or residence of each person required by this chapter to list
18 property, and require the person to make a correct statement of all taxable
19 tangible personal property owned by the person or under his or her care, charge
20 or management, taxable in the county. On or before January first of each
21 even-numbered year, the assessor shall prepare and submit a two-year
22 assessment maintenance plan to the county governing body and the state tax
23 commission for their respective approval or modification. The county governing
24 body shall approve and forward such plan or its alternative to the plan to the
25 state tax commission by February first. If the county governing body fails to
26 forward the plan or its alternative to the plan to the state tax commission by
27 February first, the assessor's plan shall be considered approved by the county
28 governing body. If the state tax commission fails to approve a plan and if the
29 state tax commission and the assessor and the governing body of the county
30 involved are unable to resolve the differences, in order to receive state cost-share
31 funds outlined in section 137.750, the county or the assessor shall petition the
32 administrative hearing commission, by May first, to decide all matters in dispute
33 regarding the assessment maintenance plan. Upon agreement of the parties, the
34 matter may be stayed while the parties proceed with mediation or arbitration
35 upon terms agreed to by the parties. The final decision of the administrative
36 hearing commission shall be subject to judicial review in the circuit court of the
37 county involved. In the event a valuation of subclass (1) real property within any
38 county with a charter form of government, or within a city not within a county,
39 is made by a computer, computer-assisted method or a computer program, the
40 burden of proof, supported by clear, convincing and cogent evidence to sustain
41 such valuation, shall be on the assessor at any hearing or appeal. In any such
42 county, unless the assessor proves otherwise, there shall be a presumption that
43 the assessment was made by a computer, computer-assisted method or a
44 computer program. Such evidence shall include, but shall not be limited to, the
45 following:

46 (1) The findings of the assessor based on an appraisal of the property by
47 generally accepted appraisal techniques; and

48 (2) The purchase prices from sales of at least three comparable properties
49 and the address or location thereof. As used in this paragraph, the word

50 "comparable" means that:

51 (a) Such sale was closed at a date relevant to the property valuation; and

52 (b) Such properties are not more than one mile from the site of the
53 disputed property, except where no similar properties exist within one mile of the
54 disputed property, the nearest comparable property shall be used. Such property
55 shall be within five hundred square feet in size of the disputed property, and
56 resemble the disputed property in age, floor plan, number of rooms, and other
57 relevant characteristics.

58 2. Assessors in each county of this state and the city of St. Louis may send
59 personal property assessment forms through the mail.

60 3. The following items of personal property shall each constitute separate
61 subclasses of tangible personal property and shall be assessed and valued for the
62 purposes of taxation at the following [percents] **percentages** of their true value
63 in money:

64 (1) Grain and other agricultural crops in an unmanufactured condition,
65 one-half of one percent;

66 (2) Livestock, twelve percent;

67 (3) Farm machinery, twelve percent;

68 (4) Motor vehicles which are eligible for registration as and are registered
69 as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which
70 are at least twenty-five years old and which are used solely for noncommercial
71 purposes and are operated less than fifty hours per year or aircraft that are home
72 built from a kit, five percent;

73 (5) Poultry, twelve percent; and

74 (6) Tools and equipment used for pollution control and tools and
75 equipment used in retooling for the purpose of introducing new product lines or
76 used for making improvements to existing products by any company which is
77 located in a state enterprise zone and which is identified by any standard
78 industrial classification number cited in subdivision (6) of section 135.200, RSMo,
79 twenty-five percent.

80 4. The person listing the property shall enter a true and correct statement
81 of the property, in a printed blank prepared for that purpose. The statement,
82 after being filled out, shall be signed and either affirmed or sworn to as provided
83 in section 137.155. The list shall then be delivered to the assessor.

84 5. All subclasses of real property, as such subclasses are established in
85 section 4(b) of article X of the Missouri Constitution and defined in section

86 137.016, shall be assessed at the following percentages of true value:

- 87 (1) For real property in subclass (1), nineteen percent;
88 (2) For real property in subclass (2), twelve percent; and
89 (3) For real property in subclass (3), thirty-two percent.

90 6. Manufactured homes, as defined in section 700.010, RSMo, which are
91 actually used as dwelling units shall be assessed at the same percentage of true
92 value as residential real property for the purpose of taxation. The percentage of
93 assessment of true value for such manufactured homes shall be the same as for
94 residential real property. If the county collector cannot identify or find the
95 manufactured home when attempting to attach the manufactured home for
96 payment of taxes owed by the manufactured home owner, the county collector
97 may request the county commission to have the manufactured home removed from
98 the tax books, and such request shall be granted within thirty days after the
99 request is made; however, the removal from the tax books does not remove the tax
100 lien on the manufactured home if it is later identified or found. A manufactured
101 home located in a manufactured home rental park, rental community or on real
102 estate not owned by the manufactured home owner shall be considered personal
103 property. A manufactured home located on real estate owned by the
104 manufactured home owner may be considered real property.

105 7. Each manufactured home assessed shall be considered a parcel for the
106 purpose of reimbursement pursuant to section 137.750, unless the manufactured
107 home has been converted to real property in compliance with section 700.111,
108 RSMo, and assessed as a realty improvement to the existing real estate parcel.

109 8. Any amount of tax due and owing based on the assessment of a
110 manufactured home shall be included on the personal property tax statement of
111 the manufactured home owner unless the manufactured home has been converted
112 to real property in compliance with section 700.111, RSMo, in which case the
113 amount of tax due and owing on the assessment of the manufactured home as a
114 realty improvement to the existing real estate parcel shall be included on the real
115 property tax statement of the real estate owner.

116 9. The assessor of each county and each city not within a county shall use
117 the trade-in value published in the October issue of the National Automobile
118 Dealers' Association Official Used Car Guide, or its successor publication, as the
119 recommended guide of information for determining the true value of motor
120 vehicles described in such publication. In the absence of a listing for a particular
121 motor vehicle in such publication, the assessor shall use such information or

122 publications which in the assessor's judgment will fairly estimate the true value
123 in money of the motor vehicle.

124 10. Before the assessor may increase the assessed valuation of any parcel
125 of subclass (1) real property by more than fifteen percent since the last
126 assessment, excluding increases due to new construction or improvements, the
127 assessor shall conduct a physical inspection of such property.

128 11. If a physical inspection is required, pursuant to subsection 10 of this
129 section, the assessor shall notify the property owner of that fact in writing and
130 shall provide the owner clear written notice of the owner's rights relating to the
131 physical inspection. If a physical inspection is required, the property owner may
132 request that an interior inspection be performed during the physical
133 inspection. The owner shall have no less than thirty days to notify the assessor
134 of a request for an interior physical inspection.

135 12. A physical inspection, as required by subsection 10 of this section,
136 shall include, but not be limited to, an on-site personal observation and review
137 of all exterior portions of the land and any buildings and improvements to which
138 the inspector has or may reasonably and lawfully gain external access, and shall
139 include an observation and review of the interior of any buildings or
140 improvements on the property upon the timely request of the owner pursuant to
141 subsection 11 of this section. Mere observation of the property via a "drive-by
142 inspection" or the like shall not be considered sufficient to constitute a physical
143 inspection as required by this section.

144 13. The provisions of subsections 11 and 12 of this section shall only apply
145 in any county with a charter form of government with more than one million
146 inhabitants.

147 14. A county or city collector may accept credit cards as proper form of
148 payment of outstanding property tax or license due. No county or city collector
149 may charge surcharge for payment by credit card which exceeds the fee or
150 surcharge charged by the credit card bank, processor, or issuer for its service. A
151 county or city collector may accept payment by electronic transfers of funds in
152 payment of any tax or license and charge the person making such payment a fee
153 equal to the fee charged the county by the bank, processor, or issuer of such
154 electronic payment.

155 15. [The provisions of this section and sections 137.073, 138.060 and
156 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
157 assembly, second regular session, shall become effective January 1, 2003, for any

158 taxing jurisdiction within a county with a charter form of government with
159 greater than one million inhabitants, and the provisions of this section and
160 sections 137.073, 138.060 and 138.100, RSMo, as enacted by house bill no. 1150
161 of the ninety-first general assembly, second regular session, shall become effective
162 October 1, 2004, for all taxing jurisdictions in this state.] Any county or city not
163 within a county in this state may, by an affirmative vote of the governing body
164 of such county, opt out of the provisions of this section and sections 137.073,
165 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first
166 general assembly, second regular session and section 137.073 as modified by this
167 act, for the next year of the general reassessment, prior to January first of any
168 year. No county or city not within a county shall exercise this opt-out provision
169 after implementing the provisions of this section and sections 137.073, 138.060,
170 and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general
171 assembly, second regular session and section 137.073 as modified by this act, in
172 a year of general reassessment. For the purposes of applying the provisions of
173 this subsection, a political subdivision contained within two or more counties
174 where at least one of such counties has opted out and at least one of such
175 counties has not opted out shall calculate a single tax rate as in effect prior to the
176 enactment of house bill no. 1150 of the ninety-first general assembly, second
177 regular session. A governing body of a city not within a county or a county that
178 has opted out under the provisions of this subsection may choose to implement
179 the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo,
180 as enacted by house bill no. 1150 of the ninety-first general assembly, second
181 regular session, and section 137.073 as modified by this act, for the next year of
182 general reassessment, by an affirmative vote of the governing body prior to
183 December thirty-first of any year.

184 **16. The governing body of any city of the third classification**
185 **with more than twenty-six thousand three hundred but fewer than**
186 **twenty-six thousand seven hundred inhabitants located in any county**
187 **that has exercised its authority to opt out under subsection 15 of this**
188 **section may levy separate and differing tax rates for real and personal**
189 **property only if such city bills and collects its own property taxes or**
190 **satisfies the entire cost of the billing and collection of such separate**
191 **and differing tax rates. Such separate and differing rates shall not**
192 **exceed such city's tax rate ceiling.**

137.1040. 1. In addition to other levies authorized by law, the

2 county commission in counties not adopting an alternative form of
3 government and the proper administrative body in counties adopting
4 an alternative form of government, in their discretion may levy an
5 additional tax, not to exceed one half cent on each one hundred dollars
6 assessed valuation, on all taxable real property located within such
7 county, all of such tax to be collected and allocated to the county
8 treasury, where it shall be known and designated as "The County
9 Cemetery Maintenance Trust Fund" to be used for the upkeep and
10 maintenance of cemeteries located within such county.

11 2. To the extent necessary to comply with article X, section 22(a)
12 of the Missouri Constitution, for any county with a tax levy at or above
13 the limitations provided under article X, section 11(b), no ordinance
14 adopted under this section shall become effective unless the county
15 commission or proper administrative body of the county submits to the
16 voters of the county at a state general, primary, or special election a
17 proposal to authorize the imposition of a tax under this section. The
18 tax authorized under this section shall be levied and collected in the
19 same manner as other real property taxes are levied and collected
20 within the county. Such tax shall be in addition to all other taxes
21 imposed on real property, and shall be stated separately from all other
22 charges and taxes. Such tax shall not become effective unless the
23 county commission or proper administrative body of the county, by
24 order or ordinance, submits to the voters of the county a proposal to
25 authorize the county to impose a tax under this section on any day
26 available for such county to hold elections or at a special election
27 called for that purpose.

28 3. The ballot of submission for the tax authorized in this section
29 shall be in substantially the following form:

30 "Shall (insert the name of the county) impose a tax on all real
31 property situated in (name of county) at a rate of one quarter of
32 one cent per one hundred dollars assessed valuation percent for the
33 sole purpose of providing funds for the maintenance, upkeep, and
34 preservation of county cemeteries museum?"

35 YES NO

36 If a majority of the votes cast on the question by the qualified voters
37 voting thereon are in favor of the question, then the tax shall become

38 **effective on the first day of the second calendar quarter immediately**
39 **following notification to the county collector. If a majority of the votes**
40 **cast on the question by the qualified voters voting thereon are opposed**
41 **to the question, then the tax shall not become effective unless and until**
42 **the question is resubmitted under this section to the qualified voters**
43 **and such question is approved by a majority of the qualified voters**
44 **voting on the question.**

45 **4. The tax imposed under this section shall be known as the**
46 **"County Cemetery Maintenance Tax". Each county imposing a tax**
47 **under this section shall establish separate trust funds to be known as**
48 **the "County Cemetery Maintenance Trust Fund". The county treasurer**
49 **shall deposit the revenue derived from the tax imposed under this**
50 **section for cemetery purposes in the county cemetery maintenance**
51 **trust fund. The proceeds of such tax shall be appropriated by the**
52 **county commission or appropriate administrative body exclusively for**
53 **the maintenance, upkeep, and preservation of cemeteries located**
54 **within the county.**

55 **5. All applicable provisions in this chapter relating to property**
56 **tax, shall apply to the collection of any tax imposed under this section.**

144.757. 1. Any county or municipality, except municipalities within a
2 county having a charter form of government with a population in excess of nine
3 hundred thousand, may, by a majority vote of its governing body, impose a local
4 use tax if a local sales tax is imposed as defined in section 32.085, RSMo, at a
5 rate equal to the rate of the local sales tax in effect in such county or
6 municipality; provided, however, that no ordinance or order enacted pursuant to
7 sections 144.757 to 144.761 shall be effective unless the governing body of the
8 county or municipality submits to the voters thereof at a municipal, county or
9 state general, primary or special election a proposal to authorize the governing
10 body of the county or municipality to impose a local use tax pursuant to sections
11 144.757 to 144.761. Municipalities within a county having a charter form of
12 government with a population in excess of nine hundred thousand may, upon
13 voter approval received pursuant to paragraph (b) of subdivision (2) of subsection
14 2 of this section, impose a local use tax at the same rate as the local municipal
15 sales tax with the revenues from all such municipal use taxes to be distributed
16 pursuant to subsection 4 of section 94.890, RSMo. The municipality shall within
17 thirty days of the approval of the use tax imposed pursuant to paragraph (b) of

18 subdivision (2) of subsection 2 of this section select one of the distribution options
19 permitted in subsection 4 of section 94.890, RSMo, for distribution of all
20 municipal use taxes.

21 2. (1) The ballot of submission, except for counties and municipalities
22 described in subdivisions (2) and (3) of this subsection, shall contain substantially
23 the following language:

24 Shall the (county or municipality's name) impose a local use tax
25 at the same rate as the total local sales tax rate, currently (insert percent),
26 provided that if the local sales tax rate is reduced or raised by voter approval, the
27 local use tax rate shall also be reduced or raised by the same action? A use tax
28 return shall not be required to be filed by persons whose purchases from
29 out-of-state vendors do not in total exceed two thousand dollars in any calendar
30 year.

31 YES NO

32 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
33 are opposed to the question, place an "X" in the box opposite "No".

34 (2) (a) The ballot of submission in a county having a charter form of
35 government with a population in excess of nine hundred thousand shall contain
36 substantially the following language:

37 For the purposes of [economic development] **enhancing county and**
38 **municipal public safety, parks, and job creation** and enhancing local
39 government services, shall the county be authorized to collect a local use tax
40 equal to the total of the existing county sales tax rate of (insert tax rate),
41 provided that if the county sales tax is repealed, reduced or raised by voter
42 approval, the local use tax rate shall also be repealed, reduced or raised by the
43 same voter action? Fifty percent of the revenue shall be used [for economic
44 development, including retention, creation, and attraction of better-paying jobs],
45 **by the county throughout the county for improving and enhancing**
46 **public safety, park improvements, and job creation**, and fifty percent shall
47 be used for enhancing local government services. The county shall be required
48 to make available to the public an audited comprehensive financial report
49 detailing the management and use of [economic development] **the countywide**
50 **portion of the** funds each year.

51 A use tax is the equivalent of a sales tax on purchases from out-of-state sellers
52 by in-state buyers and on certain taxable business transactions. A use tax return
53 shall not be required to be filed by persons whose purchases from out-of-state

54 vendors do not in total exceed two thousand dollars in any calendar year.

55 YES NO

56 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
57 are opposed to the question, place an "X" in the box opposite "No".

58 (b) The ballot of submission in a municipality within a county having a
59 charter form of government with a population in excess of nine hundred thousand
60 shall contain substantially the following language:

61 Shall the municipality be authorized to impose a local use tax at the same
62 rate as the local sales tax by a vote of the governing body, provided that if any
63 local sales tax is repealed, reduced or raised by voter approval, the respective
64 local use tax shall also be repealed, reduced or raised by the same action? A use
65 tax return shall not be required to be filed by persons whose purchases from
66 out-of-state vendors do not in total exceed two thousand dollars in any calendar
67 year.

68 YES NO

69 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
70 are opposed to the question, place an "X" in the box opposite "No".

71 (3) The ballot of submission in any city not within a county shall contain
72 substantially the following language:

73 Shall the (city name) impose a local use tax at the same rate as
74 the local sales tax, currently at a rate of (insert percent) which includes the
75 capital improvements sales tax and the transportation tax, provided that if any
76 local sales tax is repealed, reduced or raised by voter approval, the respective
77 local use tax shall also be repealed, reduced or raised by the same action? A use
78 tax return shall not be required to be filed by persons whose purchases from
79 out-of-state vendors do not in total exceed two thousand dollars in any calendar
80 year.

81 YES NO

82 If you are in favor of the question, place an "X" in the box opposite "Yes". If you
83 are opposed to the question, place an "X" in the box opposite "No".

84 (4) If any of such ballots are submitted on August 6, 1996, and if a
85 majority of the votes cast on the proposal by the qualified voters voting thereon
86 are in favor of the proposal, then the ordinance or order and any amendments
87 thereto shall be in effect October 1, 1996, provided the director of revenue
88 receives notice of adoption of the local use tax on or before August 16, 1996. If
89 any of such ballots are submitted after December 31, 1996, and if a majority of

90 the votes cast on the proposal by the qualified voters voting thereon are in favor
91 of the proposal, then the ordinance or order and any amendments thereto shall
92 be in effect on the first day of the calendar quarter which begins at least
93 forty-five days after the director of revenue receives notice of adoption of the local
94 use tax. If a majority of the votes cast by the qualified voters voting are opposed
95 to the proposal, then the governing body of the county or municipality shall have
96 no power to impose the local use tax as herein authorized unless and until the
97 governing body of the county or municipality shall again have submitted another
98 proposal to authorize the governing body of the county or municipality to impose
99 the local use tax and such proposal is approved by a majority of the qualified
100 voters voting thereon.

101 3. The local use tax may be imposed at the same rate as the local sales
102 tax then currently in effect in the county or municipality upon all transactions
103 which are subject to the taxes imposed pursuant to sections 144.600 to 144.745
104 within the county or municipality adopting such tax; provided, however, that if
105 any local sales tax is repealed or the rate thereof is reduced or raised by voter
106 approval, the local use tax rate shall also be deemed to be repealed, reduced or
107 raised by the same action repealing, reducing or raising the local sales tax.

108 4. For purposes of sections 144.757 to 144.761, the use tax may be
109 referred to or described as the equivalent of a sales tax on purchases made from
110 out-of-state sellers by in-state buyers and on certain intrabusiness
111 transactions. Such a description shall not change the classification, form or
112 subject of the use tax or the manner in which it is collected.

144.759. 1. All local use taxes collected by the director of revenue
2 pursuant to sections 144.757 to 144.761 on behalf of any county or municipality,
3 less one percent for cost of collection, which shall be deposited in the state's
4 general revenue fund after payment of premiums for surety bonds as provided in
5 section 32.087, RSMo, shall be deposited with the state treasurer in a local use
6 tax trust fund, which fund shall be separate and apart from the local sales tax
7 trust funds. The moneys in such local use tax trust fund shall not be deemed to
8 be state funds and shall not be commingled with any funds of the state. The
9 director of revenue shall keep accurate records of the amount of money in the
10 trust fund which was collected in each county or municipality imposing a local
11 use tax, and the records shall be open to the inspection of officers of the county
12 or municipality and to the public. No later than the tenth day of each month, the
13 director of revenue shall distribute all moneys deposited in the trust fund during

14 the preceding month, except as provided in subsection 2 of this section, to the
15 county or municipality treasurer, or such other officer as may be designated by
16 the county or municipality ordinance or order, of each county or municipality
17 imposing the tax authorized by sections 144.757 to 144.761, the sum due the
18 county or municipality as certified by the director of revenue.

19 2. The director of revenue shall distribute all moneys which would be due
20 any county having a charter form of government and having a population of nine
21 hundred thousand or more to the county treasurer or such other officer as may
22 be designated by county ordinance, who shall distribute such moneys as follows:
23 the portion of the use tax imposed by the county which equals one-half the rate
24 of sales tax in effect for such county shall be disbursed to the county treasurer for
25 expenditure [for economic development purposes, as defined in this section]
26 **throughout the county for public safety, parks, and job creation**, subject
27 to any qualifications and regulations adopted by ordinance of the county. Such
28 ordinance shall require an audited comprehensive financial report detailing the
29 management and use of [economic development] **such** funds each year. Such
30 ordinance shall also require that the county and the municipal league of the
31 county jointly prepare [an economic development] **a** strategy to guide
32 expenditures of funds and conduct an annual review of the strategy. The
33 treasurer or such other officer as may be designated by county ordinance shall
34 distribute one-third of the balance to the county and to each city, town and village
35 in group B according to section 66.620, RSMo, as modified by this section, a
36 portion of the two-thirds remainder of such balance equal to the percentage ratio
37 that the population of each such city, town or village bears to the total population
38 of all such group B cities, towns and villages. For the purposes of this subsection,
39 population shall be determined by the last federal decennial census or the latest
40 census that determines the total population of the county and all political
41 subdivisions therein. For the purposes of this subsection, each city, town or
42 village in group A according to section 66.620, RSMo, but whose per capita sales
43 tax receipts during the preceding calendar year pursuant to sections 66.600 to
44 66.630, RSMo, were less than the per capita countywide average of all sales tax
45 receipts during the preceding calendar year, shall be treated as a group B city,
46 town or village until the per capita amount distributed to such city, town or
47 village equals the difference between the per capita sales tax receipts during the
48 preceding calendar year and the per capita countywide average of all sales tax
49 receipts during the preceding calendar year.

50 3. The director of revenue may authorize the state treasurer to make
51 refunds from the amounts in the trust fund and credited to any county or
52 municipality for erroneous payments and overpayments made, and may redeem
53 dishonored checks and drafts deposited to the credit of such counties or
54 municipalities. If any county or municipality abolishes the tax, the county or
55 municipality shall notify the director of revenue of the action at least ninety days
56 prior to the effective date of the repeal, and the director of revenue may order
57 retention in the trust fund, for a period of one year, of two percent of the amount
58 collected after receipt of such notice to cover possible refunds or overpayment of
59 the tax and to redeem dishonored checks and drafts deposited to the credit of
60 such accounts. After one year has elapsed after the effective date of abolition of
61 the tax in such county or municipality, the director of revenue shall authorize the
62 state treasurer to remit the balance in the account to the county or municipality
63 and close the account of that county or municipality. The director of revenue
64 shall notify each county or municipality of each instance of any amount refunded
65 or any check redeemed from receipts due the county or municipality.

66 4. Except as modified in sections 144.757 to 144.761, all provisions of
67 sections 32.085 and 32.087, RSMo, applicable to the local sales tax, except for
68 subsection 12 of section 32.087, RSMo, and all provisions of sections 144.600 to
69 144.745 shall apply to the tax imposed pursuant to sections 144.757 to 144.761,
70 and the director of revenue shall perform all functions incident to the
71 administration, collection, enforcement, and operation of the tax.

72 [5. As used in this section, "economic development" means:

73 (1) Expenditures for infrastructure and sites for business development or
74 for public infrastructure projects;

75 (2) Purchase, assembly, clearance, demolition, environmental remediation,
76 planning, redesign, reconstruction, rehabilitation, construction, modification or
77 expansion of land, structures and facilities, public or private, either in connection
78 with a reinvestment project in areas with underused, derelict, economically
79 challenged, or environmentally troubled sites, or in connection with business
80 attraction, retention, creation, or expansion;

81 (3) Expenditures related to business district activities such as facade
82 improvements, landscaping, street lighting, sidewalk construction, trash
83 receptacles, park benches, and other public improvements;

84 (4) Expenditures for the provision of workforce training and educational
85 support in connection with job creation, retention, attraction, and expansion;

- 86 (5) Development and operation of business incubator facilities, and related
87 entrepreneurship support programs;
- 88 (6) Capitalization or guarantee of small business loan or equity funds;
- 89 (7) Expenditures for business development activities including attraction,
90 creation, retention, and expansion; and
- 91 (8) Related administration expenses of economic and community
92 development programs, provided that such expenses shall not exceed five percent
93 of annual revenues.]

163.011. As used in this chapter unless the context requires otherwise:

- 2 (1) "Adjusted operating levy", the sum of tax rates for the current year for
3 teachers' and incidental funds for a school district as reported to the proper
4 officer of each county pursuant to section 164.011, RSMo;
- 5 (2) "Average daily attendance", the quotient or the sum of the quotients
6 obtained by dividing the total number of hours attended in a term by resident
7 pupils between the ages of five and twenty-one by the actual number of hours
8 school was in session in that term. To the average daily attendance of the
9 following school term shall be added the full-time equivalent average daily
10 attendance of summer school students. "Full-time equivalent average daily
11 attendance of summer school students" shall be computed by dividing the total
12 number of hours, except for physical education hours that do not count as credit
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended
14 by all summer school pupils by the number of hours required in section 160.011,
15 RSMo, in the school term. For purposes of determining average daily attendance
16 under this subdivision, the term "resident pupil" shall include all children
17 between the ages of five and twenty-one who are residents of the school district
18 and who are attending kindergarten through grade twelve in such district. If a
19 child is attending school in a district other than the district of residence and the
20 child's parent is teaching in the school district or is a regular employee of the
21 school district which the child is attending, then such child shall be considered
22 a resident pupil of the school district which the child is attending for such period
23 of time when the district of residence is not otherwise liable for tuition. Average
24 daily attendance for students below the age of five years for which a school
25 district may receive state aid based on such attendance shall be computed as
26 regular school term attendance unless otherwise provided by law;
- 27 (3) "Current operating expenditures":
- 28 (a) For the fiscal year 2007 calculation, "current operating expenditures"

29 shall be calculated using data from fiscal year 2004 and shall be calculated as all
30 expenditures for instruction and support services except capital outlay and debt
31 service expenditures minus the revenue from federal categorical sources; food
32 service; student activities; categorical payments for transportation costs pursuant
33 to section 163.161; state reimbursements for early childhood special education;
34 the career ladder entitlement for the district, as provided for in sections 168.500
35 to 168.515, RSMo; the vocational education entitlement for the district, as
36 provided for in section 167.332, RSMo; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating
38 expenditures shall be the amount in paragraph (a) plus any increases in state
39 funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005,
40 not to exceed five percent, per recalculation, of the state revenue received by a
41 district in the 2004-05 school year from the foundation formula, line 14, gifted,
42 remedial reading, exceptional pupil aid, fair share, and free textbook payments
43 for any district from the first preceding calculation of the state adequacy target;

44 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect
45 subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling
46 shall not contain any tax levy for debt service;

47 (5) "Dollar value modifier", an index of the relative purchasing power of
48 a dollar, calculated as one plus fifteen percent of the difference of the regional
49 wage ratio minus one, provided that the dollar value modifier shall not be applied
50 at a rate less than 1.0:

51 (a) "County wage per job", the total county wage and salary disbursements
52 divided by the total county wage and salary employment for each county and the
53 city of St. Louis as reported by the Bureau of Economic Analysis of the United
54 States Department of Commerce for the fourth year preceding the payment year;

55 (b) "Regional wage per job":

56 a. The total Missouri wage and salary disbursements of the metropolitan
57 area as defined by the Office of Management and Budget divided by the total
58 Missouri metropolitan wage and salary employment for the metropolitan area for
59 the county signified in the school district number or the city of St. Louis, as
60 reported by the Bureau of Economic Analysis of the United States Department
61 of Commerce for the fourth year preceding the payment year and recalculated
62 upon every decennial census to incorporate counties that are newly added to the
63 description of metropolitan areas; or if no such metropolitan area is established,
64 then:

65 b. The total Missouri wage and salary disbursements of the micropolitan
66 area as defined by the Office of Management and Budget divided by the total
67 Missouri micropolitan wage and salary employment for the micropolitan area for
68 the county signified in the school district number, as reported by the Bureau of
69 Economic Analysis of the United States Department of Commerce for the fourth
70 year preceding the payment year, if a micropolitan area for such county has been
71 established and recalculated upon every decennial census to incorporate counties
72 that are newly added to the description of micropolitan areas; or

73 c. If a county is not part of a metropolitan or micropolitan area as
74 established by the Office of Management and Budget, then the county wage per
75 job, as defined in paragraph (a) of this subdivision, shall be used for the school
76 district, as signified by the school district number;

77 (c) "Regional wage ratio", the ratio of the regional wage per job divided by
78 the state median wage per job;

79 (d) "State median wage per job", the fifty-eighth highest county wage per
80 job;

81 (6) "Free and reduced lunch pupil count", the number of pupils eligible for
82 free and reduced lunch on the last Wednesday in January for the preceding school
83 year who were enrolled as students of the district, as approved by the department
84 in accordance with applicable federal regulations;

85 (7) "Free and reduced lunch threshold" shall be calculated by dividing the
86 total free and reduced lunch pupil count of every performance district that falls
87 entirely above the bottom five percent and entirely below the top five percent of
88 average daily attendance, when such districts are rank-ordered based on their
89 current operating expenditures per average daily attendance, by the total average
90 daily attendance of all included performance districts;

91 (8) "Limited English proficiency pupil count", the number in the preceding
92 school year of pupils aged three through twenty-one enrolled or preparing to
93 enroll in an elementary school or secondary school who were not born in the
94 United States or whose native language is a language other than English or are
95 Native American or Alaskan native, or a native resident of the outlying areas,
96 and come from an environment where a language other than English has had a
97 significant impact on such individuals' level of English language proficiency, or
98 are migratory, whose native language is a language other than English, and who
99 come from an environment where a language other than English is dominant; and
100 have difficulties in speaking, reading, writing, or understanding the English

101 language sufficient to deny such individuals the ability to meet the state's
102 proficient level of achievement on state assessments described in Public Law
103 107-10, the ability to achieve successfully in classrooms where the language of
104 instruction is English, or the opportunity to participate fully in society;

105 (9) "Limited English proficiency threshold" shall be calculated by dividing
106 the total limited English proficiency pupil count of every performance district that
107 falls entirely above the bottom five percent and entirely below the top five percent
108 of average daily attendance, when such districts are rank-ordered based on their
109 current operating expenditures per average daily attendance, by the total average
110 daily attendance of all included performance districts;

111 (10) "Local effort":

112 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as
113 the equalized assessed valuation of the property of a school district in calendar
114 year 2004 divided by one hundred and multiplied by the performance levy less the
115 percentage retained by the county assessor and collector plus one hundred
116 percent of the amount received in fiscal year 2005 for school purposes from
117 intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
118 state-assessed railroad and utility tax, one hundred percent of the amount
119 received for school purposes pursuant to the merchants' and manufacturers' taxes
120 under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts
121 received for school purposes from federal properties under sections 12.070 and
122 12.080, RSMo, except when such amounts are used in the calculation of federal
123 impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
124 received for school purposes from the school district trust fund under section
125 163.087, and one hundred percent of any local earnings or income taxes received
126 by the district for school purposes. Under this paragraph, for a special district
127 established under sections 162.815 to 162.940, RSMo, in a county with a charter
128 form of government and with more than one million inhabitants, a tax levy of zero
129 shall be utilized in lieu of the performance levy for the special school district;

130 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the
131 amount calculated under paragraph (a) of this subdivision plus any increase in
132 the amount received for school purposes from fines [or less any decrease in the
133 amount received for school purposes from fines in any school district located
134 entirely within any county with a charter form of government and with more than
135 two hundred fifty thousand but fewer than three hundred fifty thousand
136 inhabitants that creates a county municipal court after January 1, 2006]. If a

137 district's assessed valuation has decreased subsequent to the calculation outlined
138 in paragraph (a) of this subdivision, the district's local effort shall be calculated
139 using the district's current assessed valuation in lieu of the assessed valuation
140 utilized in calculation outlined in paragraph (a) of this subdivision;

141 (11) "Membership" shall be the average of:

142 (a) The number of resident full-time students and the full-time equivalent
143 number of part-time students who were enrolled in the public schools of the
144 district on the last Wednesday in September of the previous year and who were
145 in attendance one day or more during the preceding ten school days; and

146 (b) The number of resident full-time students and the full-time equivalent
147 number of part-time students who were enrolled in the public schools of the
148 district on the last Wednesday in January of the previous year and who were in
149 attendance one day or more during the preceding ten school days, plus the
150 full-time equivalent number of summer school pupils.

151 "Full-time equivalent number of part-time students" is determined by dividing the
152 total number of hours for which all part-time students are enrolled by the number
153 of hours in the school term. "Full-time equivalent number of summer school
154 pupils" is determined by dividing the total number of hours for which all summer
155 school pupils were enrolled by the number of hours required pursuant to section
156 160.011, RSMo, in the school term. Only students eligible to be counted for
157 average daily attendance shall be counted for membership;

158 (12) "Operating levy for school purposes", the sum of tax rates levied for
159 teachers' and incidental funds plus the operating levy or sales tax equivalent
160 pursuant to section 162.1100, RSMo, of any transitional school district containing
161 the school district, in the payment year, not including any equalized operating
162 levy for school purposes levied by a special school district in which the district is
163 located;

164 (13) "Performance district", any district that has met all performance
165 standards and indicators as established by the department of elementary and
166 secondary education for purposes of accreditation under section 161.092, RSMo,
167 and as reported on the final annual performance report for that district each year;

168 (14) "Performance levy", three dollars and forty-three cents;

169 (15) "School purposes" pertains to teachers' and incidental funds;

170 (16) "Special education pupil count", the number of public school students
171 with a current individualized education program and receiving services from the
172 resident district as of December first of the preceding school year, except for

173 special education services provided through a school district established under
174 sections 162.815 to 162.940, RSMo, in a county with a charter form of government
175 and with more than one million inhabitants, in which case the sum of the
176 students in each district within the county exceeding the special education
177 threshold of each respective district within the county shall be counted within the
178 special district and not in the district of residence for purposes of distributing the
179 state aid derived from the special education pupil count;

180 (17) "Special education threshold" shall be calculated by dividing the total
181 special education pupil count of every performance district that falls entirely
182 above the bottom five percent and entirely below the top five percent of average
183 daily attendance, when such districts are rank-ordered based on their current
184 operating expenditures per average daily attendance, by the total average daily
185 attendance of all included performance districts;

186 (18) "State adequacy target", the sum of the current operating
187 expenditures of every performance district that falls entirely above the bottom
188 five percent and entirely below the top five percent of average daily attendance,
189 when such districts are rank-ordered based on their current operating
190 expenditures per average daily attendance, divided by the total average daily
191 attendance of all included performance districts. The department of elementary
192 and secondary education shall first calculate the state adequacy target for fiscal
193 year 2007 and recalculate the state adequacy target every two years using the
194 most current available data. The recalculation shall never result in a decrease
195 from the previous state adequacy target amount. Should a recalculation result
196 in an increase in the state adequacy target amount, fifty percent of that increase
197 shall be included in the state adequacy target amount in the year of recalculation,
198 and fifty percent of that increase shall be included in the state adequacy target
199 amount in the subsequent year. The state adequacy target may be adjusted to
200 accommodate available appropriations;

201 (19) "Teacher", any teacher, teacher-secretary, substitute teacher,
202 supervisor, principal, supervising principal, superintendent or assistant
203 superintendent, school nurse, social worker, counselor or librarian who shall,
204 regularly, teach or be employed for no higher than grade twelve more than
205 one-half time in the public schools and who is certified under the laws governing
206 the certification of teachers in Missouri;

207 (20) "Weighted average daily attendance", the average daily attendance
208 plus the product of twenty-five hundredths multiplied by the free and reduced

209 lunch pupil count that exceeds the free and reduced lunch threshold, plus the
210 product of seventy-five hundredths multiplied by the number of special education
211 pupil count that exceeds the special education threshold, and plus the product of
212 six-tenths multiplied by the number of limited English proficiency pupil count
213 that exceeds the limited English proficiency threshold. For special districts
214 established under sections 162.815 to 162.940, RSMo, in a county with a charter
215 form of government and with more than one million inhabitants, weighted
216 average daily attendance shall be the average daily attendance plus the product
217 of twenty-five hundredths multiplied by the free and reduced lunch pupil count
218 that exceeds the free and reduced lunch threshold, plus the product of
219 seventy-five hundredths multiplied by the sum of the special education pupil
220 count that exceeds the threshold for each county district, plus the product of
221 six-tenths multiplied by the limited English proficiency pupil count that exceeds
222 the limited English proficiency threshold. None of the districts comprising a
223 special district established under sections 162.815 to 162.940, RSMo, in a county
224 with a charter form of government and with more than one million inhabitants,
225 shall use any special education pupil count in calculating their weighted average
226 daily attendance.

163.038. Notwithstanding any provision of law to the contrary,
2 **any school district that is located at least partially in any county that**
3 **creates a county municipal court or is otherwise eligible to prosecute**
4 **county ordinance violations under section 66.010, RSMo, et seq., after**
5 **January 1, 2006, shall be entitled to a payment amount from the**
6 **department of elementary and secondary education in addition to all**
7 **other payments required under this chapter equal to the decrease, if**
8 **any, in the amount of revenue a district receives from fines in the**
9 **current year from the revenue the district received from fines in fiscal**
10 **year 2005.**

190.053. 1. All members of the board of directors of an
2 **ambulance district first elected on or after January 1, 2008, shall attend**
3 **and complete an educational seminar or conference or other suitable**
4 **training on the role and duties of a board member of an ambulance**
5 **district. The training required under this section shall be offered by**
6 **a statewide association organized for the benefit of ambulance districts**
7 **or be approved by the state advisory council on emergency medical**
8 **services. Such training shall include, at a minimum:**

9 **(1) Information relating to the roles and duties of an ambulance**
10 **district director;**

11 **(2) A review of all state statutes and regulations relevant to**
12 **ambulance districts;**

13 **(3) State ethics laws;**

14 **(4) State sunshine laws, chapter 610, RSMo;**

15 **(5) Financial and fiduciary responsibility;**

16 **(6) State laws relating to the setting of tax rates; and**

17 **(7) State laws relating to revenue limitations.**

18 **2. If any ambulance district board member fails to attend a**
19 **training session within twelve months after taking office, the board**
20 **member shall not be compensated for attendance at meetings thereafter**
21 **until the board member has completed such training session.**

206.090. 1. After the hospital district has been declared organized, the
2 declaring county commission shall divide the district into six election districts as
3 equal in population as possible, and shall by lot number the districts from one to
4 six inclusive. The county commission shall cause an election to be held in the
5 hospital district within ninety days after the order establishing the hospital
6 district to elect hospital district directors. Each voter shall vote for six directors,
7 one from each district, **except in any county of the third classification**
8 **without a township form of government and with more than ten**
9 **thousand six hundred but fewer than ten thousand seven hundred**
10 **inhabitants, each voter shall vote for one director from the hospital**
11 **election district in which the voter resides.** Directors shall serve a term of
12 six years or a lesser term of years as may be established by the county
13 commission. If directors are to serve a term of six years, the initial term of the
14 director elected from district number one shall serve a term of one year, the
15 director elected from district number two shall serve a term of two years, the
16 director elected from district number three shall serve a term of three years, the
17 director elected from district number four shall serve a term of four years, the
18 director elected from district number five shall serve a term of five years, and the
19 director elected from district number six shall serve a term of six years;
20 thereafter, the terms of all directors shall be six years. If the county commission
21 chooses to establish a term of office of less than six years, the initial election of
22 directors shall be done in a manner established by the county commission. All
23 directors shall serve until their successors are elected and qualified. Any vacancy

24 shall be filled by the remaining members of the board of directors who shall
25 appoint a person to serve as director until the next municipal election.

26 2. Candidates for director of the hospital district shall be citizens of the
27 United States, voters of the hospital district who have resided within the state
28 for one year next preceding the election and who are at least thirty years of age.
29 All candidates shall file their declaration of candidacy with the county
30 commission calling the election for the organizational election, and for subsequent
31 elections, with the secretary of the board of directors of the district.

32 3. Notwithstanding any other provisions of law, if the number of
33 candidates for office of director is no greater than the number of directors to be
34 elected, no election shall be held, and the candidates shall assume the
35 responsibilities of their offices at the same time and in the same manner as if
36 they had been elected.

37 4. Notwithstanding the provisions of subsections 1 to 3 of this section,
38 after the formation of the hospital district, the hospital board of directors, by a
39 majority vote of the directors with the consent of a majority of the county
40 commission on an order of record, may abolish the six hospital districts' election
41 districts and cause the hospital district directors to be elected from the hospital
42 district at large. Upon opting to elect the hospital district directors at large, the
43 then serving hospital district directors shall continue to serve the remainder of
44 their terms and any vacancies on the board, after the date of such option, shall
45 be filled by an election conducted at large in the district.

235.210. 1. The boundaries of any district organized under the provisions
2 of this law may be changed in the manner prescribed in this section and in
3 section 235.220, but any change of boundaries of the district shall not impair or
4 affect its organization or its rights in or to property, or any of its rights or
5 privileges whatsoever; or shall it affect or impair or discharge any contract,
6 obligation, lien or charge for or upon which it might be liable or chargeable had
7 the change of boundaries not been made.

8 2. [Two-thirds of the owners of real property in an area contiguous with
9 a street light maintenance district organized under this law and not located
10 within any municipality or another street light maintenance district may file with
11 the board a petition in writing praying that the real property be included within
12 the district. The petition shall describe the property to be annexed and shall be
13 deemed to give assent of the petitioners to the inclusion in the district of the
14 property described in the petition.

15 3. The secretary of the board shall cause notice of the filing of the petition
16 to be given and published in the county in which the property is located, which
17 notice shall recite the filing of the petition, the names of the petitioners, the
18 descriptions of the lands sought to be included and the prayer of the petitioners,
19 giving notice to all persons interested to appear at the office of the board at the
20 time named in the notice and show cause in writing, if any they have, why the
21 petition should not be granted.

22 4. The board shall at the time and place mentioned, or at such time or
23 times to which the hearing may be adjourned, proceed to hear the petition and
24 all objections thereto presented in writing by any person showing cause why the
25 petition should not be granted. The failure of any person interested to show
26 cause in writing why the petition shall not be granted shall be deemed and held
27 and taken as an assent on his part to the inclusion of the lands in the district as
28 prayed for in the petition.

29 5. If the petition is granted, the board shall make an order to that effect
30 and file the same with the county clerk; and upon the order of the county
31 commission, the property shall be included in the district, and thereafter a copy
32 of the order of the board and the order of the commission shall be filed with the
33 recorder. The county commission shall proceed to make the order including such
34 additional property within the district as is provided in the order of the board,
35 unless the commission shall find that the order of the board was not authorized
36 by law or that the order of the board was not supported by competent and
37 substantial evidence.] **A petition for annexation of real property in an**
38 **area contiguous with a street light maintenance district organized**
39 **under this chapter and not located within any municipality or another**
40 **street light maintenance district shall be signed by property owners**
41 **who own not less than ten percent of the parcels of property within the**
42 **area proposed for annexation. The petition shall be filed with the**
43 **county clerk in which the district is situated and shall be addressed to**
44 **the county commission. A hearing shall be held regarding the proposed**
45 **annexation petition as soon as reasonably possible. If the county**
46 **commission finds at the hearing that the petition is in compliance with**
47 **the provisions of this section, they shall order the question to be**
48 **submitted to the voters within the proposed area of annexation and**
49 **within the district at a municipal, primary, or general election.**

50 3. The question shall be submitted in substantially the following

51 **form:**

52 **"Shall.....(description of area) be annexed to thestreet light**
 53 **maintenance district?**

54 **YES** **NO**

55 **If you are in favor of the question, place an "X" in the box opposite**
 56 **"Yes". If you are opposed to the question, place an "X" in the box**
 57 **opposite "No"."**

58 **4. If a majority of the votes cast on the question in the district**
 59 **and in the area described in the petition, respectively, are in favor of**
 60 **the annexation, the county commission shall by order declare the area**
 61 **annexed and shall describe the altered boundaries of the district. A**
 62 **copy of the order of the commission shall be filed within the county**
 63 **recorder. If a majority of the votes cast on the question in the district**
 64 **and in the area described in the petition, respectively, are not in favor**
 65 **of the annexation, such area shall not be declared annexed. No such**
 66 **question shall be resubmitted to the voters sooner than twelve months**
 67 **from the date of submission of the last question.**

238.202. 1. As used in sections 238.200 to 238.275, the following terms
 2 mean:

3 (1) "Board", the board of directors of a district;

4 (2) "Commission", the Missouri highways and transportation commission;

5 (3) "District", a transportation development district organized under
 6 sections 238.200 to 238.275;

7 (4) "Local transportation authority", a county, city, town, village, county
 8 highway commission, special road district, interstate compact agency, or any local
 9 public authority or political subdivision having jurisdiction over any bridge,
 10 street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail
 11 or other transit improvement or service;

12 (5) "Project" includes any bridge, street, road, highway, access road,
 13 interchange, intersection, signing, signalization, parking lot, bus stop, station,
 14 garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port,
 15 airport, railroad, light rail, or other mass transit and any similar or related
 16 improvement or infrastructure.

17 2. For the purposes of sections 11(c), 16 and 22 of article X of the
 18 Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200
 19 to 238.275, the following terms shall have the meanings given:

20 (1) "Approval of the required majority" or "direct voter approval", a simple
21 majority;

22 (2) "Qualified electors", "qualified voters" or "voters", [if] **within the**
23 **proposed or established district**, any persons [eligible to be registered voters
24 reside within the proposed district, such persons] **residing therein** who have
25 registered to vote pursuant to chapter 115, RSMo, [or if no persons eligible to be
26 registered voters reside within the proposed district,] **and** the owners of real
27 property [located within the proposed district], **who shall receive one vote**
28 **per acre, provided that any registered voter who also owns property**
29 **must elect whether to vote as an owner or a registered voter;**

30 (3) "Registered voters", persons qualified and registered to vote pursuant
31 to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than
2 fifty registered voters from each county partially or totally within the proposed
3 district may file a petition requesting the creation of a district. However, if no
4 persons eligible to be registered voters reside within the district, the owners of
5 record of all of the real property, except public streets, located within the
6 proposed district may file a petition requesting the creation of a district. The
7 petition shall be filed in the circuit court of any county partially or totally within
8 the proposed district.

9 2. Alternatively, the governing body of any local transportation authority
10 within any county in which a proposed project may be located may file a petition
11 in the circuit court of that county, requesting the creation of a district.

12 3. The proposed district area shall be contiguous and may contain all or
13 any portion of one or more municipalities and counties; provided:

14 (1) Property separated only by public streets, easements or rights-of-way
15 shall be considered contiguous;

16 (2) In the case of a district formed pursuant to a petition filed by the
17 owners of record of all of the real property located within the proposed district,
18 the proposed district area need not contain contiguous properties if:

19 (a) The petition provides that the only funding method for project costs
20 will be a sales tax;

21 (b) The court finds that all of the real property located within the
22 proposed district will benefit by the projects to be undertaken by the district; and

23 (c) Each parcel within the district is within five miles of every other
24 parcel; and

25 (3) In the case of a district created pursuant to subsection 5 of this
26 section, property separated only by public streets, easements, or rights-of-way or
27 connected by a single public street, easement, or right-of-way shall be considered
28 contiguous.

29 4. The petition shall set forth:

30 (1) The name, voting residence and county of residence of each individual
31 petitioner, or, if no persons eligible to be registered voters reside within the
32 proposed district, the name and address of each owner of record of real property
33 located within the proposed district, or shall recite that the petitioner is the
34 governing body of a local transportation authority acting in its official capacity;

35 (2) The name and address of each respondent. Respondents must include
36 the commission and each affected local transportation authority within the
37 proposed district, except a petitioning local transportation authority;

38 (3) A specific description of the proposed district boundaries including a
39 map illustrating such boundaries;

40 (4) A general description of each project proposed to be undertaken by
41 that district, including a description of the approximate location of each project;

42 (5) **The estimated project costs and the anticipated revenues to**
43 **be collected from the project;**

44 (6) The name of the proposed district;

45 [(6)] (7) The number of members of the board of directors of the proposed
46 district, which shall be not less than five or more than fifteen;

47 [(7)] (8) A statement that the terms of office of initial board members
48 shall be staggered in approximately equal numbers to expire in one, two or three
49 years;

50 [(8)] (9) If the petition was filed by registered voters or by a governing
51 body, a request that the question be submitted to the qualified voters within the
52 limits of the proposed district whether they will establish a transportation
53 development district to develop a specified project or projects;

54 [(9)] (10) A proposal for funding the district initially, pursuant to the
55 authority granted in sections 238.200 to 238.275, together with a request that the
56 funding proposal be submitted to the qualified voters [residing] within the limits
57 of the proposed district; provided, however, the funding method of special
58 assessments may also be approved as provided in subsection 1 of section 238.230;
59 and

60 [(10)] (11) A statement that the proposed district shall not be an undue

61 burden on any owner of property within the district and is not unjust or
62 unreasonable.

63 5. (1) As an alternative to the methods described in subsections 1 and 2
64 of this section, if two or more local transportation authorities have adopted
65 resolutions calling for the joint establishment of a district, the governing body of
66 any one such local transportation authority may file a petition in the circuit court
67 of any county in which the proposed project is located requesting the creation of
68 a district.

69 (2) The proposed district area shall be contiguous and may contain all or
70 any portion of one or more municipalities and counties. Property separated only
71 by public streets, easements, or rights-of-way or connected by a single public
72 street, easement, or right-of-way shall be considered contiguous.

73 (3) The petition shall set forth:

74 (a) That the petitioner is the governing body of a local transportation
75 authority acting in its official capacity;

76 (b) The name of each local transportation authority within the proposed
77 district. The resolution of the governing body of each local transportation
78 authority calling for the joint establishment of the district shall be attached to
79 the petition;

80 (c) The name and address of each respondent. Respondents must include
81 the commission and each affected local transportation authority within the
82 proposed district, except a petitioning local transportation authority;

83 (d) A specific description of the proposed district boundaries including a
84 map illustrating such boundaries;

85 (e) A general description of each project proposed to be undertaken by the
86 district, including a description of the approximate location of each project;

87 (f) The name of the proposed district;

88 (g) The number of members of the board of directors of the proposed
89 district;

90 (h) A request that the question be submitted to the qualified voters within
91 the limits of the proposed district whether they will establish a transportation
92 development district to develop the projects described in the petition;

93 (i) A proposal for funding the district initially, pursuant to the authority
94 granted in sections 238.200 to 238.275, together with a request that the
95 imposition of the funding proposal be submitted to the qualified voters residing
96 within the limits of the proposed district; provided, however, the funding method

97 of special assessments may also be approved as provided in subsection 1 of
98 section 238.230; and

99 (j) A statement that the proposed district shall not be an undue burden
100 on any owner of property within the district and is not unjust or unreasonable.

238.208. 1. The owners of property adjacent to a transportation district
2 formed under the Missouri transportation development district act may petition
3 the court by unanimous petition to add their property to the district. If the
4 property owners within the transportation development district unanimously
5 approve of the addition of property, the adjacent properties in the petition shall
6 be added to the district. Any property added under this section shall be subject
7 to all projects, taxes, and special assessments in effect as of the date of the court
8 order adding the property to the district. The owners of the added property shall
9 be allowed to vote at the next election scheduled for the district to fill vacancies
10 on the board and on any other question submitted to them by the board under
11 this chapter. The owners of property added under this section shall have one vote
12 per acre in the same manner as provided in subdivision (2) of subsection 2 of
13 section 238.220.

14 **2. The owners of all of the property located in a transportation**
15 **development district formed under this chapter may, by unanimous**
16 **petition filed with the board of directors of the district, remove any**
17 **property from the district, so long as such removal will not materially**
18 **affect any obligations of the district.**

238.225. 1. Before construction or funding of any project, the district
2 shall submit the proposed project, [together with the proposed plans and
3 specifications,] to the commission for its prior approval [of the project]. If the
4 commission by minute finds that the project will improve or is a necessary or
5 desirable extension of the state highways and transportation system, the
6 commission may **preliminarily** approve the project subject to the district
7 **providing plans and specifications for the proposed project and** making
8 any revisions in the plans and specifications required by the commission and the
9 district and commission entering into a mutually satisfactory agreement
10 regarding development and future maintenance of the project. **After such**
11 **preliminary approval, the district may impose and collect such taxes**
12 **and assessments as may be included in the commission's preliminary**
13 **approval.** After the commission approves the final construction plans and
14 specifications, the district shall obtain prior commission approval of any

15 modification of such plans or specifications.

16 2. If the proposed project is not intended to be merged into the state
17 highways and transportation system under the commission's jurisdiction, the
18 district shall also submit the proposed project and proposed plans and
19 specifications to the local transportation authority that will become the owner of
20 the project for its prior approval.

21 3. In those instances where a local transportation authority is required
22 to approve a project and the commission determines that it has no direct interest
23 in that project, the commission may decline to consider the project. Approval of
24 the project shall then vest exclusively with the local transportation authority
25 subject to the district making any revisions in the plans and specifications
26 required by the local transportation authority and the district and the local
27 transportation authority entering into a mutually satisfactory agreement
28 regarding development and future maintenance of the project. After the local
29 transportation authority approves the final construction plans and specifications,
30 the district shall obtain prior approval of the local transportation authority before
31 modifying such plans or specifications.

238.275. 1. Within six months after development and initial maintenance
2 costs of its completed project have been paid, the district shall pursuant to
3 contract transfer ownership and control of the project to the commission or a local
4 transportation authority which shall be responsible for all future maintenance
5 costs pursuant to contract. **Such transfer may be made sooner with the
6 consent of the recipient.**

7 2. At such time as a district has completed its project and has transferred
8 ownership of the project to the commission or other local transportation authority
9 for maintenance, or at such time as the board determines that it is unable to
10 complete its project due to lack of funding or for any other reason, the board shall
11 submit for a vote in an election held throughout the district the question of
12 whether the district should be abolished. The question shall be submitted in
13 substantially the following form:

14 Shall the Transportation Development District
15 be abolished?

16 3. The district board shall not propose the question to abolish the district
17 while there are outstanding claims or causes of action pending against the
18 district, while the district liabilities exceed its assets, or while the district is
19 insolvent, in receivership or under the jurisdiction of the bankruptcy court. Prior

20 to submitting the question to abolish the district to a vote, the state auditor shall
21 audit the district to determine the financial status of the district, and whether
22 the district may be abolished pursuant to law.

23 4. While the district still exists, it shall continue to accrue all revenues
24 to which it is entitled at law.

25 5. Upon receipt of certification by the appropriate election authorities that
26 the majority of those voting within the district have voted to abolish the district,
27 and if the state auditor has determined that the district's financial condition is
28 such that it may be abolished pursuant to law, then the board shall:

29 (1) Sell any remaining district real or personal property it wishes, and
30 then transfer the proceeds and any other real or personal property owned by the
31 district, including revenues due and owing the district, to the commission or any
32 appropriate local transportation authority assuming maintenance and control of
33 the project, for its further use and disposition;

34 (2) Terminate the employment of any remaining district employees, and
35 otherwise conclude its affairs;

36 (3) At a public meeting of the district, declare by a majority vote that the
37 district has been abolished effective that date; and

38 (4) Cause copies of that resolution under seal to be filed with the
39 secretary of state, the director of revenue, the commission, and with each local
40 transportation authority affected by the district. Upon the completion of the final
41 act specified in this subsection, the legal existence of the district shall cease.

247.060. 1. The management of the business and affairs of the district is
2 hereby vested in a board of directors, who shall have all the powers conferred
3 upon the district except as herein otherwise provided, who shall serve without
4 pay. It shall be composed of five members, each of whom shall be a voter of the
5 district and shall have resided in said district one whole year immediately prior
6 to his election. A member shall be at least twenty-five years of age and shall not
7 be delinquent in the payment of taxes at the time of his election. Except as
8 provided in subsection 2 of this section, the term of office of a member of the
9 board shall be three years. The remaining members of the board shall appoint
10 a qualified person to fill any vacancy on the board. If no qualified person who
11 lives in the subdistrict for which there is a vacancy is willing to serve on the
12 board, the board may appoint an otherwise qualified person, who lives in the
13 district but not in the subdistrict in which the vacancy exists to fill such vacancy.

14 2. After notification by certified mail that he or she has two consecutive

15 unexcused absences, any member of the board failing to attend the meetings of
16 the board for three consecutive regular meetings, unless excused by the board for
17 reasons satisfactory to the board, shall be deemed to have vacated the seat, and
18 the secretary of the board shall certify that fact to the board. The vacancy shall
19 be filled as other vacancies occurring in the board.

20 3. The initial members of the board shall be appointed by the circuit court
21 and one shall serve until the immediately following first Tuesday after the first
22 Monday in June, two shall serve until the first Tuesday after the first Monday in
23 June on the second year following their appointment and the remaining
24 appointees shall serve until the first Tuesday after the first Monday in June on
25 the third year following their appointment. On the expiration of such terms and
26 on the expiration of any subsequent term, elections shall be held as otherwise
27 provided by law, and such elections shall be held in April pursuant to section
28 247.180.

29 4. **In 2008, 2009, and 2010, directors elected in such years shall**
30 **serve from the first Tuesday after the first Monday in June until the**
31 **first Tuesday in April of the third year following the year of their**
32 **election. All directors elected thereafter shall serve from the first**
33 **Tuesday in April until the first Tuesday in April of the third year**
34 **following the year of their election.**

250.140. 1. Sewerage services, water services, or water and sewerage
2 services combined shall be deemed to be furnished to both the occupant and
3 owner of the premises receiving such service and, except as otherwise provided
4 in subsection 2 of this section, the city, town, village, or sewer district or water
5 supply district organized and incorporated under chapter 247, RSMo, rendering
6 such services shall have power to sue the occupant or owner, or both, of such real
7 estate in a civil action to recover any sums due for such services less any deposit
8 that is held by the city, town, village, or sewer district or water supply district
9 organized and incorporated under chapter 247, RSMo, for such services, plus a
10 reasonable attorney's fee to be fixed by the court.

11 2. When the occupant is delinquent in payment for thirty days, the city,
12 town, village, sewer district, or water supply district shall make a good faith
13 effort to notify the owner of the premises receiving such service of the
14 delinquency and the amount thereof. Notwithstanding any other provision of this
15 section to the contrary, when an occupant is delinquent more than ninety days,
16 the owner shall not be liable for sums due for more than ninety days of service;

17 provided, however, that in any [city not within a county and any]:

18 (1) Home rule city with more than four hundred thousand inhabitants
19 and located in more than one county, until January 1, 2007, when an occupant
20 is delinquent more than one hundred twenty days the owner shall not be liable
21 for sums due for more than one hundred twenty days of service, and after
22 January 1, 2007, when an occupant is delinquent more than ninety days the
23 owner shall not be liable for sums due for more than ninety days; **and**

24 (2) **City not within a county when an occupant is delinquent**
25 **more than ninety days the owner shall not be liable for sums due for**
26 **more than ninety days of service, until the effective date of this act, at**
27 **which time, when an occupant is delinquent more than one hundred**
28 **twenty days the owner shall not be liable for sums due for more than**
29 **one hundred twenty days of service.**

30 Any notice of termination of service shall be sent to both the occupant and owner
31 of the premises receiving such service.

32 3. The provisions of this section shall apply only to residences that have
33 their own private water and sewer lines. In instances where several residences
34 share a common water or sewer line, the owner of the real property upon which
35 the residences sit shall be liable for water and sewer expenses.

36 4. Notwithstanding any other provision of law to the contrary, any water
37 provider who terminates service due to delinquency of payment by a consumer
38 shall not be liable for any civil or criminal damages.

39 5. The provisions of this section shall not apply to unapplied-for utility
40 services. As used in this subsection, "unapplied-for utility services" means
41 services **not** requiring application by the property owner and acceptance of such
42 application by the utility prior to the establishment of an account. The property
43 owner is billed directly for the services provided, and as a result, any delinquent
44 payment of a bill becomes the responsibility of the property owner rather than the
45 occupant.

260.830. 1. Any county of the third classification or any county of the
2 second classification with more than forty-eight thousand two hundred but less
3 than forty-eight thousand three hundred inhabitants or any county of the fourth
4 classification with more than forty-eight thousand two hundred but less than
5 forty-eight thousand three hundred inhabitants may **or any county of the first**
6 **classification with more than one hundred four thousand six hundred**
7 **but fewer than one hundred four thousand seven hundred inhabitants,**

8 by a majority vote of its governing body, impose a landfill fee pursuant to this
 9 section and section 260.831, for the benefit of the county. No order or ordinance
 10 enacted pursuant to the authority granted by this section shall be effective unless
 11 the governing body of the county submits to the qualified voters of the county, at
 12 a public election, a proposal to authorize the governing body of the county to
 13 impose a fee under the provisions of this section. The ballot of submission shall
 14 be in substantially the following form:

15 Shall the county of (insert name of county) impose a landfill
 16 fee of (insert amount of fee per ton or volumetric equivalent of solid
 17 waste)?

18 YES NO

19 If a majority of the votes cast on the proposal by the qualified voters voting
 20 thereon are in favor of the proposal, then the order or ordinance and any
 21 amendments thereto shall become effective on the first day of the calendar
 22 quarter immediately after such election results are certified. If a majority of the
 23 votes cast by the qualified voters voting are opposed to the proposal, then the
 24 governing body of the county shall have no power to impose the fee authorized by
 25 this section unless and until the governing body of the county shall again have
 26 submitted another proposal to authorize the governing body of the county to
 27 impose such fee, and the proposal is approved by a majority of the qualified
 28 voters voting thereon. If an economic development authority does not exist in a
 29 county at the time that a landfill fee is adopted by such county under this section,
 30 then the governing body of such county shall establish an economic development
 31 authority in the county.

32 2. The landfill fee authorized by such an election may not exceed one
 33 dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted,
 34 which charge may be in addition to any such fee currently imposed pursuant to
 35 the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill
 2 in any county wherein a landfill fee has been approved by the voters pursuant to
 3 section 260.830 shall collect a charge equal to the charge authorized by the voters
 4 in such election, not to exceed one dollar and fifty cents per ton or its volumetric
 5 equivalent of solid waste accepted. Such fee shall be collected in addition to any
 6 fee authorized or imposed pursuant to the provisions of section 260.330, and shall
 7 be paid to such operator by all political subdivisions, municipalities, corporations,
 8 entities or persons disposing of solid waste or demolition waste, whether pursuant

9 to contract or otherwise, and notwithstanding that any such contract may provide
10 for collection, transportation and disposal of such waste at a fixed fee. Any such
11 contract providing for collections, transportation and disposal of such waste at a
12 fixed fee which is in force on August 28, [2003] **2007**, shall be renegotiated by the
13 parties to the contract to include the additional fee imposed by this section. Each
14 such operator shall submit the charge, less collection costs, to the governing body
15 of the county, which shall dedicate such funds for use by the industrial
16 development authority within the county and such funds shall be used by the
17 county commission or authority for economic development within the
18 county. Collection costs shall be the same as established by the department of
19 natural resources pursuant to section 260.330, and shall not exceed two percent
20 of the amount collected pursuant to this section.

21 2. The charges established in this section shall be enumerated separately
22 from any disposal fee charged by the landfill. After January 1, 1994, the fee
23 authorized under section 260.830 and this section shall be stated as a separate
24 surcharge on each individual solid waste collection customer's invoice and shall
25 also indicate whether the county commission or economic development authority
26 receives the funds. Moneys transmitted to the governing body of the county shall
27 be no less than the amount collected less collection costs and in a form, manner
28 and frequency as the governing body may prescribe. Failure to collect such
29 charge shall not relieve the operator from responsibility for transmitting an
30 amount equal to the charge to the governing body.

302.010. Except where otherwise provided, when used in this chapter, the
2 following words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used
5 for carrying freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral
7 deposited to secure a defendant's appearance in court, which forfeiture has not
8 been vacated, shall be equivalent to a conviction, except that when any conviction
9 as a result of which points are assessed pursuant to section 302.302 is appealed,
10 the term "conviction" means the original judgment of conviction for the purpose
11 of determining the assessment of points, and the date of final judgment affirming
12 the conviction shall be the date determining the beginning of any license
13 suspension or revocation pursuant to section 302.304;

14 (4) "Director", the director of revenue acting directly or through the

15 director's authorized officers and agents;

16 (5) "Farm tractor", every motor vehicle designed and used primarily as a
17 farm implement for drawing plows, mowing machines and other implements of
18 husbandry;

19 (6) "Highway", any public thoroughfare for vehicles, including state roads,
20 county roads and public streets, avenues, boulevards, parkways, or alleys in any
21 municipality;

22 (7) "Incompetent to drive a motor vehicle", a person who has become
23 physically incapable of meeting the prescribed requirements of an examination
24 for an operator's license, or who has been adjudged by a probate division of the
25 circuit court in a capacity hearing of being incapacitated;

26 (8) "License", a license issued by a state to a person which authorizes a
27 person to operate a motor vehicle;

28 (9) "Motor vehicle", any self-propelled vehicle not operated exclusively
29 upon tracks except motorized bicycles, as defined in section 307.180, RSMo;

30 (10) "Motorcycle", a motor vehicle operated on two wheels; however, this
31 definition shall not include motorized bicycles as defined in section 301.010,
32 RSMo;

33 (11) "Motortricycle", a motor vehicle operated on three wheels, including
34 a motorcycle operated with any conveyance, temporary or otherwise, requiring the
35 use of a third wheel;

36 (12) "Moving violation", that character of traffic violation where at the
37 time of violation the motor vehicle involved is in motion, except that the term
38 does not include the driving of a motor vehicle without a valid motor vehicle
39 registration license, or violations of sections 304.170 to 304.240, RSMo, inclusive,
40 relating to sizes and weights of vehicles;

41 (13) "Municipal court", every division of the circuit court having original
42 jurisdiction to try persons for violations of city ordinances;

43 (14) "Nonresident", every person who is not a resident of this state;

44 (15) "Operator", every person who is in actual physical control of a motor
45 vehicle upon a highway;

46 (16) "Owner", a person who holds the legal title of a vehicle or in the event
47 a vehicle is the subject of an agreement for the conditional sale or lease thereof
48 with the right of purchase upon performance of the conditions stated in the
49 agreement and with an immediate right of possession vested in the conditional
50 vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession,

51 then such conditional vendee or lessee or mortgagor shall be deemed the owner
52 for the purpose of sections 302.010 to 302.540;

53 (17) "Record" includes, but is not limited to, papers, documents, facsimile
54 information, microphotographic process, electronically generated or electronically
55 recorded information, digitized images, deposited or filed with the department of
56 revenue;

57 (18) **"Residence address", residence, or resident address shall be**
58 **the location or residence within this state in which the applicant**
59 **physically currently resides. Proof of such address, residence, or**
60 **resident address may be required in the form of voter registration or**
61 **other such form established by the director by administrative rule;**

62 (19) "Restricted driving privilege", a driving privilege issued by the
63 director of revenue following a suspension of driving privileges for the limited
64 purpose of driving in connection with the driver's business, occupation,
65 employment, formal program of secondary, postsecondary or higher education, or
66 for an alcohol education or treatment program;

67 [(19)] (20) "School bus", when used in sections 302.010 to 302.540, means
68 any motor vehicle, either publicly or privately owned, used to transport students
69 to and from school, or to transport pupils properly chaperoned to and from any
70 place within the state for educational purposes. The term "school bus" shall not
71 include a bus operated by a public utility, municipal corporation or common
72 carrier authorized to conduct local or interstate transportation of passengers
73 when such bus is not traveling a specific school bus route but is:

74 (a) On a regularly scheduled route for the transportation of fare-paying
75 passengers; or

76 (b) Furnishing charter service for the transportation of persons enrolled
77 as students on field trips or other special trips or in connection with other special
78 events;

79 [(20)] (21) "School bus operator", an operator who operates a school bus
80 as defined in subdivision [(19)] (20) of this section in the transportation of any
81 schoolchildren and who receives compensation for such service. The term "school
82 bus operator" shall not include any person who transports schoolchildren as an
83 incident to employment with a school or school district, such as a teacher, coach,
84 administrator, secretary, school nurse, or janitor unless such person is under
85 contract with or employed by a school or school district as a school bus operator;

86 [(21)] (22) "Signature", any method determined by the director of revenue

87 for the signing, subscribing or verifying of a record, report, application, driver's
88 license, or other related document that shall have the same validity and
89 consequences as the actual signing by the person providing the record, report,
90 application, driver's license or related document;

91 [(22)] (23) "Substance abuse traffic offender program", a program
92 certified by the division of alcohol and drug abuse of the department of mental
93 health to provide education or rehabilitation services pursuant to a professional
94 assessment screening to identify the individual needs of the person who has been
95 referred to the program as the result of an alcohol- or drug-related traffic
96 offense. Successful completion of such a program includes participation in any
97 education or rehabilitation program required to meet the needs identified in the
98 assessment screening. The assignment recommendations based upon such
99 assessment shall be subject to judicial review as provided in subsection 13 of
100 section 302.304 and subsections 1 and 5 of section 302.540;

101 [(23)] (24) "Vehicle", any mechanical device on wheels, designed
102 primarily for use, or used on highways, except motorized bicycles, vehicles
103 propelled or drawn by horses or human power, or vehicles used exclusively on
104 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by
105 handicapped persons.

**319.400. 1. In any county with a charter form of government and
2 with more than six hundred thousand but fewer than seven hundred
3 thousand inhabitants and in areas where residential properties,
4 schools, or churches are located, the maximum vibration at the
5 property line of such properties shall be 0.20 inches per second or five
6 millimeters per second peak particle velocity. To maintain a
7 reasonable degree of compliance that all vibrations will be below this
8 value, a minimum set back from property lines of one thousand feet
9 shall be maintained so that unknown variables do not significantly
10 alter the vibration level at the property line at areas not
11 monitored. For aboveground blasting, a maximum of one hundred
12 fifteen decibels linear peak air blast shall be allowed.**

13 **2. Monitoring of vibration levels and air blast, including control
14 of seismograph and positioning of such, shall be conducted by an
15 independent seismologist, and the cost of the monitoring shall be paid
16 by the company or entity conducting the blasting. The number of
17 seismographs shall be determined by the seismologist but shall not be**

18 fewer than one per one thousand feet of the applicable property
19 line. Weekly reports with no more than a weeks delay of the blast
20 levels shall be given to local government and any neighborhood
21 organizations that have been created to deal with the blasting
22 issue. Any neighborhood organization shall have significant input into
23 the selection of the independent seismologist.

24 3. For violations of this section, single fines shall be imposed. As
25 used in this section, "single fine" means the gross value of half of a
26 single day blast production based on the average production within the
27 past thirty days. Within a one-hundred-twenty-day period, fines for
28 violating this section shall be as follows:

29 (1) A first violation for vibrations between 0.20 inches per second
30 to 0.30 inches per second shall result in a single fine. A violation for
31 vibrations of 0.30 inches per second to 0.40 inches per second shall
32 result in a double single fine. A violation for vibrations above 0.40
33 inches per second shall result in a four times single fine and a
34 suspension of blasting for one hundred twenty days.

35 (2) A second violation for vibrations between 0.20 inches per
36 second to 0.30 inches per second shall result in a double single fine. A
37 second violation for vibrations of 0.30 inches per second to 0.40 inches
38 per second shall result in a four times single fine and a suspension of
39 blasting for one hundred twenty days.

40 (3) A third violation shall result in a four times single fine and
41 a suspension of blasting for one hundred twenty days.

42 4. A portion of the fines, as determined by local government,
43 shall go to local school districts or neighborhood organizations to
44 provide public benefits, including but not limited to scholarships and
45 community improvements.

46 5. The provisions of this section shall become effective on August
47 28, 2008. Any payments to entities prior to such date shall remain in
48 effect and are not refundable.

320.096. 1. Except as provided in subsection 2 or 4 of this
2 section, fire protection districts as defined in section 321.010, RSMo,
3 municipal fire departments and volunteer protection associations, as
4 defined in section 320.300, shall be the sole providers of fire
5 suppression response and related activities, including but not limited
6 to fire prevention, rescue, emergency medical services, hazardous

7 **material response, or special operations, within their legally defined**
8 **boundaries.**

9 **2. Upon the approval by a majority vote of the governing body**
10 **of a registered fire protection district, municipal fire department, or**
11 **volunteer fire protection association, any other association,**
12 **organization, group, or political subdivision may provide the fire**
13 **suppression response and related activities described in subsection 1**
14 **of this section, within the legally defined boundaries of such registered**
15 **fire protection district, municipal fire department, or volunteer fire**
16 **protection association.**

17 **3. Any association, organization, group, or political subdivision**
18 **denied authorization to provide fire suppression response and related**
19 **activities as provided by subsection 2 of this section may, within thirty**
20 **days of such denial, appeal such denial to the circuit court with**
21 **jurisdiction over such registered fire protection district, municipal fire**
22 **department, or volunteer fire protection association. The appeal shall**
23 **be a trial de novo in the manner prescribed for nonjury civil**
24 **proceedings.**

25 **4. This section shall not be construed to supersede any provision**
26 **in chapter 190, RSMo, or chapter 321, RSMo, relating to the formation**
27 **and operation of any fire protection district, ambulance district, or**
28 **ambulance service. This section shall not prohibit any fire protection**
29 **district, municipal fire department, or volunteer protection association**
30 **from accepting assistance when requested from another fire protection**
31 **district, municipal fire department, or volunteer protection association**
32 **during an emergency without a vote of the governing body.**

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the
2 context requires otherwise, the following terms mean:

- 3 (1) "Division", the division of fire safety created in section 320.202;
4 (2) "Dwelling unit", one or more rooms arranged for the use of one or more
5 individuals living together as a single housekeeping unit, with cooking, living,
6 sanitary, and sleeping facilities;
7 (3) "Fire department", an agency or organization that provides
8 fire suppression and related activities, including but not limited to, fire
9 prevention, rescue, emergency medical services, hazardous material
10 response, or special operation to a population within a fixed and legally
11 recorded geographical area. The term "fire department" shall include

12 **any municipal fire department or any fire protection district as defined**
13 **in section 321.010, or voluntary fire protection association as defined**
14 **in section 320.300, engaging in this type of activity;**

15 (4) "Fire loss", loss of or damage to property, or the loss of life or of
16 personal injury, by fire, lightning, or explosion;

17 [(4)] (5) "Investigator", the supervising investigators and investigators
18 appointed under sections 320.200 to 320.270;

19 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any
20 property;

21 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for
22 residential purposes and having not more than two dwelling units;

23 [(7)] (8) "Property", property of all types, both real and personal, movable
24 and immovable;

25 [(8)] (9) "State fire marshal", the state fire marshal selected under the
26 provisions of sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer
2 fire protection associations as defined in section 320.300 shall **complete and** file
3 with the state fire marshal within sixty days after [August 13, 1988] **January**
4 **1, 2008**, and annually thereafter, [the name and address of the fire protection
5 district, fire department, or volunteer fire protection association] **a fire**
6 **department registration form provided by the state fire marshal. The**
7 **state fire marshal may issue a fire department identification number**
8 **to each registered fire protection district, fire department, or volunteer**
9 **fire protection association based upon such registration. The state fire**
10 **marshal may conduct periodic reviews of the information provided on**
11 **each fire department registration form.**

320.300. As used in sections 320.300 to 320.310, the phrase "volunteer fire
2 protection association" means any fire department, including a municipal fire
3 department, which is staffed by volunteers and organized for the purpose of
4 combating fires in a specified area. The provisions of sections 320.300 to 320.310
5 shall apply only to volunteer fire protection associations **that provide fire**
6 **suppression and related activities, including but not limited to, fire**
7 **prevention, rescue, emergency medical services, hazardous material**
8 **response, or special operation to a population within a fixed and legally**
9 **recorded geographical area**, either partially or wholly funded by membership
10 or subscriber fees and shall not apply to fire protection districts supported by

11 local tax revenues, or which have contracted with a political subdivision to
12 respond to fires within the area of an association's boundaries.

320.310. All volunteer fire protection associations [may] **shall** identify the
2 association's boundaries and file the same with the county administrative
3 body. **Such boundaries shall not encroach upon nor include any portion**
4 **of another fire department's, as that term is defined in section 320.200,**
5 **legally established boundaries.**

321.162. 1. All members of the board of directors of a fire
2 protection district first elected on or after January 1, 2008, shall attend
3 and complete an educational seminar or conference or other suitable
4 training on the role and duties of a board member of a fire protection
5 district. The training required under this section shall be conducted
6 by an entity approved by the office of the state fire marshal. The office
7 of the state fire marshal shall determine the content of the training to
8 fulfill the requirements of this section. Such training shall include, at
9 a minimum:

10 (1) Information relating to the roles and duties of a fire
11 protection district director;

12 (2) A review of all state statutes and regulations relevant to fire
13 protection districts;

14 (3) State ethics laws;

15 (4) State sunshine laws, chapter 610, RSMo;

16 (5) Financial and fiduciary responsibility;

17 (6) State laws relating to the setting of tax rates; and

18 (7) State laws relating to revenue limitations.

19 2. If any fire district board member fails to attend a training
20 session within twelve months after taking office, the board member
21 shall not be compensated for attendance at meetings thereafter until
22 the board member has completed such training session.

321.688. 1. The board of directors of any fire district located
2 wholly within any county of the first classification with more than one
3 hundred ninety-eight thousand but fewer than one hundred ninety-nine
4 thousand two hundred inhabitants may consolidate with each other
5 upon the passage of a joint resolution by each board desiring to
6 consolidate. The joint resolution shall not become effective unless each
7 board submits to the voters residing within the fire protection districts
8 at a state general, primary, or special election a proposal to authorize

9 the consolidation under this section.

10 2. The ballot of submission for the consolidation authorized in
11 this section shall be in substantially the following form:

12 Shall (insert the name of the fire protection district) be
13 consolidated into one fire protection district, to be known as the
14 (insert name of proposed consolidated fire protection district)?

15 YES NO

16 If you are in favor of the question, place an "X" in the box opposite
17 "YES". If you are opposed to the question, place an "X" in the box
18 opposite "NO".

19 If a majority of the votes cast on the question by the qualified voters
20 voting thereon in each existing fire protection district are in favor of
21 the question, then the consolidation shall become effective on January
22 first of the year immediately following the approval of the
23 consolidation, unless the consolidation is approved at a November
24 election, in which case the consolidation shall become effective on
25 January first of the second year following the approval of the
26 consolidation. If a majority of the votes cast on the question by the
27 qualified voters voting thereon in any of the existing fire protection
28 districts desiring to consolidate are opposed to the question, then the
29 consolidation shall not become effective unless and until the question
30 is resubmitted within twelve months of the vote under this section to
31 the qualified voters in the fire protection district opposed to the
32 consolidation and such question is approved by a majority of the
33 qualified voters voting on the question.

34 3. The board of directors of any consolidated fire protection
35 district created under this section shall have six members, and shall
36 consist of the existing board members of the fire protection districts
37 that were consolidated. Upon the first occurrence of a vacancy in the
38 membership of the board, the number of members on the board may be
39 reduced from six to five upon approval by a majority of the remaining
40 board members. The terms of office for board members shall be
41 identical to the terms of office the board members were originally
42 elected to serve before the consolidation.

43 4. Upon the approval of consolidation under this section, the
44 consolidated district shall be a political subdivision of this state and a

45 **body corporate, with all the powers of like or similar corporations, and**
46 **with all the powers, privileges, and duties of fire protection districts**
47 **under this chapter. All properties, rights, assets, and liabilities of the**
48 **fire protection districts which are consolidated, including outstanding**
49 **bonds thereof if any, shall become the properties, rights, assets, and**
50 **liabilities of the consolidated fire protection district.**

51 **5. The consolidated fire protection district shall levy the same**
52 **taxes as levied in the fire protection district with the lowest tax levy**
53 **before the consolidation.**

321.800. Notwithstanding any other law to the contrary, any
2 board of directors established under the provisions of this chapter
3 administering its own retirement or other benefits related plan shall
4 administer such plan by a separate five-member pension board of
5 trustees. Pension plan participants shall elect three such participants
6 to be submitted to the board of directors. The board of directors shall
7 select two of the three participants to serve on the five-member pension
8 board of trustees. The board of directors shall be the other three
9 members of the five-member pension board of trustees.

393.715. 1. The general powers of a commission to the extent provided in
2 section 393.710 to be exercised for the benefit of its contracting members shall
3 include the power to:

4 (1) Plan, develop, acquire, construct, reconstruct, operate, manage, dispose
5 of, participate in, maintain, repair, extend or improve one or more projects, either
6 exclusively or jointly or by participation with electric cooperative associations,
7 municipally owned or public utilities or acquire any interest in or any rights to
8 capacity of a project, within or outside the state, and act as an agent, or designate
9 one or more other persons participating in a project to act as its agent, in
10 connection with the planning, acquisition, construction, operation, maintenance,
11 repair, extension or improvement of such project;

12 (2) Acquire, sell, distribute and process fuels necessary to the production
13 of electric power and energy; provided, however, the commission shall not have
14 the power or authority to erect, own, use or maintain a transmission line which
15 is parallel or generally parallel to another transmission line in place within a
16 distance of two miles, which serves the same general area sought to be served by
17 the commission unless the public service commission finds that it is not feasible
18 to utilize the transmission line which is in place;

19 (3) Acquire by purchase or lease, construct, install, and operate reservoirs,
20 pipelines, wells, check dams, pumping stations, water purification plants, and
21 other facilities for the production, wholesale distribution, and utilization of water
22 and to own and hold such real and personal property as may be necessary to
23 carry out the purposes of its organization; provided, however, that a commission
24 shall not sell or distribute water, at retail or wholesale, within the certificated
25 area of a water corporation which is subject to the jurisdiction of the public
26 service commission unless the sale or distribution of water is within the
27 boundaries of a public water supply district or municipality which is a contracting
28 municipality in the commission and the commission has obtained the approval of
29 the public service commission prior to commencing such said sale or distribution
30 of water;

31 (4) Acquire by purchase or lease, construct, install, and operate lagoons,
32 pipelines, wells, pumping stations, sewage treatment plants and other facilities
33 for the treatment and transportation of sewage and to own and hold such real and
34 personal property as may be necessary to carry out the purposes of its
35 organization;

36 (5) Enter into operating, franchises, exchange, interchange, pooling,
37 wheeling, transmission and other similar agreements with any person;

38 (6) Make and execute contracts and other instruments necessary or
39 convenient to the exercise of the powers of the commission;

40 (7) Employ agents and employees;

41 (8) Contract with any person, within or outside the state, for the
42 construction of any project or for any interest therein or any right to capacity
43 thereof, without advertising for bids, preparing final plans and specifications in
44 advance of construction, or securing performance and payment of bonds, except
45 to the extent and on such terms as its board of directors or executive committee
46 shall determine. Any contract entered into pursuant to this subdivision shall
47 contain a provision that the requirements of sections 290.210 to 290.340, RSMo,
48 shall apply;

49 (9) Purchase, sell, exchange, transmit, treat, dispose or distribute water,
50 sewage, gas, heat or electric power and energy, or any by-product resulting
51 therefrom, within and outside the state, in such amounts as it shall determine to
52 be necessary and appropriate to make the most effective use of its powers and to
53 meet its responsibilities, and to enter into agreements with any person with
54 respect to such purchase, sale, exchange, treatment, disposal or transmission, on

55 such terms and for such period of time as its board of directors or executive
56 committee shall determine. A commission may not sell or distribute water, gas,
57 heat or power and energy, or sell sewage service at retail to ultimate customers
58 outside the boundary limits of its contracting municipalities except pursuant to
59 subsection 2 or 3 of this section;

60 (10) Acquire, own, hold, use, lease, as lessor or lessee, sell or otherwise
61 dispose of, mortgage, pledge, or grant a security interest in any real or personal
62 property, commodity or service or interest therein;

63 (11) Exercise the powers of eminent domain for public use as provided in
64 chapter 523, RSMo, except that the power of eminent domain shall not be
65 exercised against any electric cooperative association, municipally owned or
66 public utility;

67 (12) Incur debts, liabilities or obligations including the issuance of bonds
68 pursuant to the authority granted in section 27 of article VI of the Missouri
69 Constitution;

70 (13) Sue and be sued in its own name;

71 (14) Have and use a corporate seal;

72 (15) Fix, maintain and revise fees, rates, rents and charges for functions,
73 services, facilities or commodities provided by the commission. **The powers**
74 **enumerated in this subdivision shall constitute the power to tax for**
75 **purposes of article 10, section 15 of the Missouri Constitution;**

76 (16) Make, and from time to time, amend and repeal, bylaws, rules and
77 regulations not inconsistent with this section to carry into effect the powers and
78 purposes of the commission;

79 (17) Notwithstanding the provisions of any other law, invest any funds
80 held in reserve or sinking funds, or any funds not required for immediate
81 disbursement, including the proceeds from the sale of any bonds, in such
82 obligations, securities and other investments as the commission deems proper;

83 (18) Join organizations, membership in which is deemed by the board of
84 directors or its executive committee to be beneficial to accomplishment of the
85 commission's purposes;

86 (19) Exercise any other powers which are deemed necessary and
87 convenient by the commission to effectuate the purposes of the commission; and

88 (20) Do and perform any acts and things authorized by this section under,
89 through or by means of an agent or by contracts with any person.

90 2. When a municipality purchases a privately owned water utility and a

91 commission is created pursuant to sections 393.700 to 393.770, the commission
92 may continue to serve those locations previously receiving water from the private
93 utility even though the location receives such service outside the geographical
94 area of the municipalities forming the commission. New water service may be
95 provided in such areas if the site to receive such service is located within
96 one-fourth of a mile from a site serviced by the privately owned water utility.

97 3. When a commission created by any of the contracting entities listed in
98 subdivision (4) of section 393.705 becomes a successor to any nonprofit water
99 corporation, nonprofit sewer corporation or other nonprofit agency or entity
100 organized to provide water or sewer service, the commission may continue to
101 serve, as well as provide new service to, those locations and areas previously
102 receiving water or sewer service from such nonprofit entity, regardless of whether
103 or not such location receives such service outside the geographical service area
104 of the contracting entities forming such commission; provided that such locations
105 and areas previously receiving water and sewer service from such nonprofit entity
106 are not located within:

107 (1) Any county of the first classification with a population of more than
108 six hundred thousand and less than nine hundred thousand;

109 (2) The boundaries of any sewer district established pursuant to article
110 VI, section 30(a) of the Missouri Constitution; or

111 (3) The certificated area of a water or sewer corporation that is subject to
112 the jurisdiction of the public service commission.

393.720. Any commission established by joint contract under sections
2 393.700 to 393.770 shall constitute a body public and corporate of the state,
3 exercising public powers for the benefit of its contracting members and in order
4 to carry out the public purposes and the public functions of its contracting
5 members. It shall have the duties, privileges, immunities, rights, liabilities and
6 disabilities of its contracting members and as a public body politic and corporate,
7 **including the power to tax**, but shall not have **any additional** taxing power
8 separate from that of its members nor shall it have the benefit of the doctrine of
9 sovereign immunity.

393.740. 1. All bonds issued pursuant to sections 393.700 to 393.770 and
2 all income or interest thereon shall be exempt from all state taxes, except estate
3 and transfer taxes.

4 2. All property, real and tangible personal, except for properties acquired
5 exclusively for water supply districts **and water supply commissions**, acquired

6 by the bonds issued pursuant to sections 393.700 and 393.770 or otherwise
7 acquired by a commission shall be subject to taxation for state, county, and
8 municipal and other local purposes only to the same extent as if such property
9 was owned directly by each contracting or participating municipality in such
10 proportion or manner as specified by contract among all contracting or
11 participating municipalities party to a project or if not specified in proportion to
12 the percentage of each municipality's interest or participation in the facility or
13 property.

393.825. 1. Nonprofit, membership corporations may be organized under
2 sections 393.825 to 393.861 and section 393.175 only for the purpose of supplying
3 wastewater disposal and treatment services within the state of
4 Missouri. Corporations which become subject to sections 393.825 to 393.861 and
5 section 393.175 in the manner herein provided are herein referred to as
6 "nonprofit sewer companies". Five or more persons may organize a nonprofit
7 sewer company pursuant to sections 393.825 to 393.861 and section 393.175.

8 2. The articles of incorporation of a nonprofit sewer company shall recite
9 in the caption that they are executed pursuant to sections 393.825 to 393.861 and
10 section 393.175, shall be signed and acknowledged in duplicate by at least five of
11 the incorporators and shall state:

12 (1) The name of the company;

13 (2) The address of its principal office;

14 (3) The names and addresses of the incorporators;

15 (4) The number of years the company is to continue, which may be any
16 number including perpetuity;

17 (5) The names and addresses of the persons who shall constitute its first
18 board of directors;

19 (6) Whether the company chooses to operate under the provisions of
20 chapter 347, RSMo, or chapter 355, RSMo; and

21 (7) Any provisions not inconsistent with sections 393.825 to 393.861 and
22 section 393.175 deemed necessary or advisable for the conduct of its business and
23 affairs. Such articles of incorporation shall be submitted to the secretary of state
24 for filing.

25 **3. (1) Prior to obtaining a permit to provide service, a nonprofit**
26 **sewer company shall provide a copy of the articles of incorporation and**
27 **company bylaws to the department of natural resources to ensure**
28 **compliance with all statutory requirements. The department shall**

29 review the documents and provide the nonprofit sewer company
30 authorization to provide service if all statutory requirements are met.
31 If all statutory requirements have not been met, the department shall
32 inform the nonprofit sewer company of all deficiencies and assist such
33 company in curing the deficiencies.

34 (2) All nonprofit sewer companies shall provide a copy of all
35 subsequent modifications of the articles of incorporation and company
36 bylaws to the department to ensure continued compliance. If statutory
37 requirements are no longer being met, the department shall inform the
38 nonprofit sewer company of all deficiencies and provide a period of
39 thirty days to cure such deficiencies. If such deficiencies are not cured
40 within thirty days, the department may suspend or revoke the
41 nonprofit sewer company's authority to provide service until such time
42 that the deficiencies are cured.

393.847. 1. Every nonprofit sewer company constructing, maintaining and
2 operating its wastewater lines and treatment facilities shall construct, maintain
3 and operate such lines and facilities in conformity with the rules and regulations
4 relating to the manner and methods of construction, maintenance and operation
5 and as to safety of the public with other lines and facilities now or hereafter from
6 time to time prescribed by the department of natural resources for the
7 construction, maintenance and operation of such lines or systems. The
8 jurisdiction, supervision, powers and duties of the department of natural
9 resources shall extend to every such nonprofit sewer company and every nonprofit
10 sewer company shall be supervised and regulated by the department of natural
11 resources to the same extent and in the same manner as any other nonprofit
12 corporation engaged in whole or in part in the collection or treatment of
13 wastewater.

14 2. Notwithstanding any provision of sections 393.825 to 393.861
15 to the contrary, a nonprofit sewer company shall not be eligible to
16 obtain a construction or operating permit unless a waiver from all
17 affected political subdivisions is obtained for a site where:

18 (1) A municipality, county, public sewer district, or public water
19 supply district operates a wastewater treatment system; or

20 (2) A connection to a wastewater treatment system is required
21 by a municipal or county ordinance.

22 3. The public service commission shall not have jurisdiction over the

23 construction, maintenance or operation of the wastewater facilities, service, rates,
24 financing, accounting or management of any nonprofit sewer company.

393.900. 1. Nonprofit, membership corporations may be organized
2 pursuant to sections 393.900 to 393.951 only for the purpose of supplying water
3 for distribution, wholesale and treatment services within the state of
4 Missouri. Corporations which become subject to sections 393.900 to 393.951 are
5 referred to in sections 393.900 to 393.951 as nonprofit water companies. Five or
6 more persons may organize a nonprofit water company pursuant to sections
7 393.900 to 393.951.

8 2. The articles of incorporation of a nonprofit water company shall recite
9 in the caption that they are executed pursuant to sections 393.900 to 393.951,
10 shall be signed and acknowledged in duplicate by at least five of the incorporators
11 and shall state:

12 (1) The name of the company;

13 (2) The address of its principal office;

14 (3) The names and addresses of the incorporators;

15 (4) The number of years the company is to continue, which may be any
16 number including perpetuity;

17 (5) The legal description of the territory in which the company intends to
18 operate;

19 (6) The names and addresses of the persons who shall constitute its first
20 board of directors;

21 (7) Whether the company chooses to operate pursuant to chapter 347,
22 RSMo, or chapter 355, RSMo;

23 (8) The method chosen for distributing the assets of the company upon
24 dissolution; and

25 (9) Any provisions not inconsistent with sections 393.900 to 393.951
26 deemed necessary or advisable for the conduct of its business and affairs. Such
27 articles of incorporation shall be submitted to the secretary of state for filing.

28 **3. (1) Prior to obtaining a permit to provide service, a nonprofit**
29 **water company shall provide a copy of the articles of incorporation and**
30 **company bylaws to the department of natural resources to ensure**
31 **compliance with all statutory requirements. The department shall**
32 **review the documents and provide the nonprofit water company**
33 **authorization to provide service if all statutory requirements are met.**
34 **If all statutory requirements have not been met, the department shall**

35 **inform the nonprofit water company of all deficiencies and assist such**
36 **company in curing the deficiencies.**

37 **(2) All nonprofit sewer companies shall provide a copy of all**
38 **subsequent modifications of the articles of incorporation and company**
39 **bylaws to the department to ensure continued compliance. If statutory**
40 **requirements are no longer being met, the department shall inform the**
41 **nonprofit water company of all deficiencies and provide a period of**
42 **thirty days to cure such deficiencies. If such deficiencies are not cured**
43 **within thirty days, the department may suspend or revoke the**
44 **nonprofit water company's authority to provide service until such time**
45 **that the deficiencies are cured.**

393.933. 1. Every nonprofit water company constructing, maintaining and
2 operating its water lines and treatment facilities shall construct, maintain and
3 operate such lines and facilities in conformity with the rules and regulations
4 relating to the manner and methods of construction, maintenance and operation
5 and as to safety of the public with other lines and facilities now or hereafter from
6 time to time prescribed by the department of natural resources or by law for the
7 construction, maintenance and operation of such lines or systems. The
8 jurisdiction, supervision, powers and duties of the department of natural
9 resources shall extend to every such nonprofit water company so far as it
10 concerns the construction, maintenance and operation of the physical equipment
11 of such company to the extent of providing for the safety of employees and the
12 general public.

13 **2. Notwithstanding any provision of sections 393.900 to 393.954**
14 **to the contrary, a nonprofit water company shall not be eligible to**
15 **obtain a construction permit or a permit to dispense unless a waiver**
16 **from all affected political subdivisions is obtained for a site where:**

17 **(1) A municipality, county, or public water supply district**
18 **operates a water system; or**

19 **(2) A connection to a water system is required by a municipal or**
20 **county ordinance.**

21 **3. The public service commission shall not have jurisdiction over the**
22 **construction, maintenance or operation of the water facilities, service, rates,**
23 **financing, accounting or management of any nonprofit water company; except**
24 **that, the public service commission shall have authority to approve the**
25 **reorganization of any existing company regulated by the public service**

26 commission.

473.743. It shall be the duty of the public administrator to take into his
2 charge and custody the estates of all deceased persons, and the person and
3 estates of all minors, and the estates or person and estate of all incapacitated
4 persons in his county, in the following cases:

5 (1) When a stranger dies intestate in the county without relations, or dies
6 leaving a will, and the personal representative named is absent, or fails to
7 qualify;

8 (2) When persons die intestate without any known heirs;

9 (3) When persons unknown die or are found dead in the county;

10 (4) When money, property, papers or other estate are left in a situation
11 exposed to loss or damage, and no other person administers on the same;

12 (5) When any estate of any person who dies intestate therein, or
13 elsewhere, is left in the county liable to be injured, wasted or lost, when the
14 intestate does not leave a known husband, widow or heirs in this state;

15 (6) The persons of all minors under the age of fourteen years, whose
16 parents are dead, and who have no legal guardian or conservator;

17 (7) The estates of all minors whose parents are dead, or, if living, refuse
18 or neglect to qualify as conservator, or, having qualified have been removed, or
19 are, from any cause, incompetent to act as such conservator, and who have no one
20 authorized by law to take care of and manage their estate;

21 (8) The estates or person and estate of all disabled or incapacitated
22 persons in his county who have no legal guardian or conservator, and no one
23 competent to take charge of such estate, or to act as such guardian or conservator,
24 can be found, or is known to the court having jurisdiction, who will qualify;

25 (9) Where from any other good cause, the court shall order him to take
26 possession of any estate to prevent its being injured, wasted, purloined or lost;

27 **(10) When moneys are delivered to the public administrator from**
28 **the county coroner.**

479.011. 1. Any city not within a county **or any home rule city with**
2 **more than four hundred thousand inhabitants and located in more than**
3 **one county** may establish, by order or ordinance, an administrative system for
4 adjudicating parking and other nonmoving municipal code violations consistent
5 with applicable state law. Such administrative adjudication system shall be
6 subject to practice, procedure, and pleading rules established by the state
7 supreme court, circuit court, or municipal court. This section shall not be

8 construed to affect the validity of other administrative adjudication systems
9 authorized by state law and created before August 28, 2004.

10 2. The order or ordinance creating the administrative adjudication system
11 shall designate the administrative tribunal and its jurisdiction, including the code
12 violations to be reviewed. The administrative tribunal may operate under the
13 supervision of the municipal court, parking commission, or other entity
14 designated by order or ordinance and in a manner consistent with state law. The
15 administrative tribunal shall adopt policies and procedures for administrative
16 hearings, and filing and notification requirements for appeals to the municipal
17 or circuit court, subject to the approval of the municipal or circuit court.

18 3. The administrative adjudication process authorized in this section shall
19 ensure a fair and impartial review of contested municipal code violations, and
20 shall afford the parties due process of law. The formal rules of evidence shall not
21 apply in any administrative review or hearing authorized in this
22 section. Evidence, including hearsay, may be admitted only if it is the type of
23 evidence commonly relied upon by reasonably prudent persons in the conduct of
24 their affairs. The code violation notice, property record, and related
25 documentation in the proper form, or a copy thereof, shall be prima facie evidence
26 of the municipal code violation. The officer who issued the code violation citation
27 need not be present.

28 4. An administrative tribunal may not impose incarceration or any fine
29 in excess of the amount allowed by law. Any sanction, fine or costs, or part of any
30 fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the
31 failure to exhaust, judicial review procedures under chapter 536, RSMo, shall be
32 a debt due and owing the city, and may be collected in accordance with applicable
33 law.

34 5. Any final decision or disposition of a code violation by an
35 administrative tribunal shall constitute a final determination for purposes of
36 judicial review, subject to review under chapter 536, RSMo. After expiration of
37 the judicial review period under chapter 536, RSMo, unless stayed by a court of
38 competent jurisdiction, the administrative tribunal's decisions, findings, rules,
39 and orders may be enforced in the same manner as a judgment entered by a court
40 of competent jurisdiction. Upon being recorded in the manner required by state
41 law or the uniform commercial code, a lien may be imposed on the real or
42 personal property of any defendant entering a plea of nolo contendere, pleading
43 guilty to, or found guilty of a municipal code violation in the amount of any debt

44 due the city under this section and enforced in the same manner as a judgment
45 lien under a judgment of a court of competent jurisdiction.

644.597. In addition to those sums authorized prior to August 28,
2 2007, the board of fund commissioners of the state of Missouri, as
3 authorized by section 37(e) of article III of the Constitution of the state
4 of Missouri, may borrow on the credit of this state the sum of ten
5 million dollars in the manner described, and for the purposes set out,
6 in chapter 640, RSMo, and in this chapter.

644.598. In addition to those sums authorized prior to August 28,
2 2007, the board of fund commissioners of the state of Missouri, as
3 authorized by section 37(g) of article III of the Constitution of the state
4 of Missouri, may borrow on the credit of this state the sum of ten
5 million dollars in the manner described, and for the purposes set out,
6 in chapter 640, RSMo, and in this chapter.

644.599. In addition to those sums authorized prior to August 28,
2 2007, the board of fund commissioners of the state of Missouri, as
3 authorized by section 37(h) of article III of the Constitution of the state
4 of Missouri, may borrow on the credit of this state the sum of twenty
5 million dollars in the manner described, and for the purposes set out,
6 in chapter 640, RSMo, and in this chapter.

650.340. 1. The provisions of this section may be cited and shall be
2 known as the "911 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911
4 calls that come to public safety answering points shall be as follows:

- 5 (1) Police telecommunicator 16 hours;
- 6 (2) Fire telecommunicator 16 hours;
- 7 (3) Emergency medical services telecommunicator 16 hours;
- 8 (4) Joint communication center telecommunicator 40 hours.

9 3. All persons employed as a telecommunicator in this state shall be
10 required to complete ongoing training so long as such person engages in the
11 occupation as a telecommunicator. Such persons shall complete at least [sixteen]
12 **twenty-four** hours of ongoing training every [two] **three** years by such persons
13 or organizations as provided in subsection 6 of this section. **The reporting**
14 **period for the ongoing training under this subsection shall run**
15 **concurrent with the existing continuing education reporting periods**
16 **for Missouri peace officers pursuant to chapter 590, RSMo.**

17 4. Any person employed as a telecommunicator on August 28, 1999, shall
18 not be required to complete the training requirement as provided in subsection
19 2 of this section. Any person hired as a telecommunicator after August 28, 1999,
20 shall complete the training requirements as provided in subsection 2 of this
21 section within twelve months of the date such person is employed as a
22 telecommunicator.

23 5. The training requirements as provided in subsection 2 of this section
24 shall be waived for any person who furnishes proof to the committee that such
25 person has completed training in another state which are at least as stringent as
26 the training requirements of subsection 2 of this section.

27 6. The department of public safety shall determine by administrative rule
28 the persons or organizations authorized to conduct the training as required by
29 subsection 2 of this section.

30 7. This section shall not apply to an emergency medical dispatcher or
31 agency as defined in section 190.100, RSMo, or a person trained by an entity
32 accredited or certified under section 190.131, RSMo, or a person who provides
33 prearrival medical instructions who works for an agency which meets the
34 requirements set forth in section 190.134, RSMo.

 650.396. A county in which an emergency communications system
2 commission has been established may, by a majority vote of the qualified voters
3 voting thereon, levy and collect a tax on the taxable real property in the district,
4 not to exceed six cents per one hundred dollars of assessed valuation, **or a sales**
5 **tax not to exceed one-tenth of one percent, or a use tax equal to the**
6 **total of the existing county sales tax rate, provided that if the county**
7 **sales tax is repealed, reduced, or raised by voter approval, the local use**
8 **tax rate shall also be repealed, reduced, or raised by the same voter**
9 **action**, to accomplish any of the following purposes:

10 (1) The provision of necessary funds to establish, operate and maintain
11 an emergency communications system to serve the county in which the
12 commission is located; and

13 (2) The provision of funds to supplement existing funds for the operation
14 and maintenance of an existing emergency communications system in the county
15 in which the commission is located.

 650.399. 1. The board of commissioners may, by a majority vote of its
2 members, request that the governing body of the county submit to the qualified
3 voters of such county at a general, primary or special election [either] **one** of the

4 questions contained in subsection 2 of this section. The governing body may
5 approve or deny such request. The governing body may also vote to submit such
6 question without a request of the board of commissioners. The county election
7 official shall give legal notice of the election pursuant to chapter 115, RSMo.

8 2. The questions shall be put in substantially the following form:

9 (1) "Shall (name of county) establish an emergency communications
10 system fund to establish (and/or) maintain an emergency communications system,
11 and for which the county shall levy a tax of (insert exact amount, not to exceed
12 six cents) per each one hundred dollars assessed valuation therefor, to be paid
13 into the fund for that purpose?"

14 YES NO; or

15 (2) "Shall (name of county) establish an emergency communications
16 system fund to establish (and/or) maintain an emergency communications system,
17 and for which the county shall levy a sales tax of (insert exact amount, not to
18 exceed one-tenth of one percent), to be paid into the fund for that purpose?"

19 YES NO; or

20 **(3) For the purposes of enhancing county and municipal public**
21 **safety, parks, and job creation and enhancing local government**
22 **services, shall the county be authorized to collect a local use tax equal**
23 **to the total of the existing county sales tax rate, provided that if the**
24 **county sales tax is repealed, reduced, or raised by voter approval, the**
25 **local use tax rate shall also be repealed, reduced, or raised by the same**
26 **voter action? Fifty percent of the revenue shall be used by the county**
27 **throughout the county for improving and enhancing public safety, park**
28 **improvements, and job creation, and fifty percent shall be used for**
29 **enhancing local government services. The county shall be required to**
30 **make available to the public an audited comprehensive financial report**
31 **detailing the management and use of the countywide portion of the**
32 **funds each year.**

33 **A use tax is equivalent of a sales tax on purchases from out-of-state**
34 **sellers by in-state buyers and on certain taxable business transactions.**
35 **A use tax return shall not be required to be filed by persons whose**
36 **purchases from out-of-state vendors do not in total exceed two**
37 **thousand dollars in any calendar year.**

38 YES NO

39 3. The election shall be conducted and vote canvassed in the same manner

40 as other county elections. If the majority of the qualified voters voting thereon
 41 vote in favor of such tax, then the county shall levy such tax in the specified
 42 amount, beginning in the tax year immediately following its approval. The tax
 43 so levied shall be collected along with other county taxes in the manner provided
 44 by law. If the majority of the qualified voters voting thereon vote against such
 45 tax, then such tax shall not be imposed unless such tax is resubmitted to the
 46 voters and a majority of the qualified voters voting thereon approve such tax.

**Section 1. The governor is hereby authorized and empowered to
 2 sell, transfer, grant, and convey all interest in the following described
 3 real property owned by the state in Jackson County to the city of
 4 Kansas City:**

5 **Parcel # 12-840-27-08-00-0-00-000**
 6 **JOHNSON'S SUB OF O T LANDS**
 7 **BEG 460 W 185' S NE CE S SW 1/4 SE 1/4 TH SW 250' SE**
 8 **220' NE 250' NW 220' TO POB**
 9 **Parcel # 12-840-26-02-00-0-00-000**
 10 **EAST KANSAS**
 11 **LOT 1 & N 10 FT OF LOT 2 BL K 53**
 12 **Parcel # 12-840-26-03-00-0-00-000**
 13 **EAST KANSAS**
 14 **ALL OF LOT 2 (EX N 10') & ALL OF LOT 3 & N 10' OF LOT**
 15 **4 BLK 53**

**Section 2. The commissioner of administration shall set the
 2 terms and conditions for the sale as the commissioner deems
 3 reasonable. Such terms and conditions may include, but not be limited
 4 to, the number of appraisals required, and the time, place, and terms
 5 of the sale.**

**Section 3. The attorney general shall approve as to form the
 2 instrument of conveyance.**

**Section 4. Notwithstanding the provisions of section 163.011,
 2 RSMo, for any school district located in more than one county and
 3 whose headquarters are located within a city of the fourth
 4 classification with more than two thousand five hundred but fewer than
 5 two thousand six hundred inhabitants and located in more than one
 6 county, the county signified in the school district number shall be the
 7 county in the district with the highest dollar value modifier.**

[58.510. If the money in the treasury be demanded within

2 five years by the legal representatives of deceased, the treasurer
3 shall pay it to them, after deducting all fees and expenses.]

[105.971. 1. Any person who for valuable consideration acts
2 in a representative capacity for the purpose of attempting to
3 influence the decisions of any elected official or member of any
4 commission, board, or committee of any city with a population of at
5 least four hundred thousand shall advise the city clerk of his
6 contact with or his intention to contact such official or member for
7 the purpose of attempting to influence the decision of such elected
8 official or member within ten working days of such contact.

9 2. The requirements of subsection 1 of this section shall be
10 satisfied by sending a letter to the clerk of such city, containing the
11 person's name and business address; the name and address of the
12 person, business, association, partnership or corporation for whom
13 he is attempting to obtain a decision and the department of city
14 government which he is attempting to influence.

15 3. The city clerk shall, upon receipt, make such letters open
16 for public inspection during normal business hours.

17 4. Representatives of the news media engaged in the
18 exercise or expression of any editorial opinion are exempt from this
19 section.

20 5. Violation of this section is an infraction.]

Section B. Because of the need for effective and efficient city management,
2 the repeal and reenactment of sections 78.610 and 250.140 of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and the repeal and reenactment of sections 78.610 and 250.140 of
6 this act shall be in full force and effect upon its passage and approval.

✓